

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 3<sup>rd</sup> May 2018

The House met at 2.30 p.m.

*[The Deputy Speaker  
(Hon. Cheboi) in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM THE PARLIAMENT OF ALGERIA IN THE SPEAKER'S ROW

**Hon. Deputy Speaker:** Order, Hon. Members! Hon. Members, I wish to introduce to you a delegation of Members and staff from the Parliament of Algeria, seated at the Speaker's Row.

The delegation comprises the following:

- |                               |   |   |
|-------------------------------|---|---|
| 1. Hon. Said Bouhadja         | - | Speaker, Leader of Delegation                                 |
| 2. Hon. El Hadj Laib, MP      | - | Deputy Speaker  |
| 3. Hon. Mohamed Abdelhadi, MP | - | President of the Algeria-Kenya Parliamentary Friendship Group |
| 4. Mr. Mhand Berouk           | - | Advisor on International Relations to the Hon. Speaker        |
| 5. Mr. Nadir Beladje          | - | Chief of Protocol to the Hon. Speaker.                        |

Hon. Members, the delegation is in the country under the invitation of the Speaker of the National Assembly and their programme includes, among other activities, the formation and inauguration of the Kenya-Algeria Parliamentary Friendship Group. On behalf of the National Assembly and on my own behalf, I welcome them to the National Assembly and wish them fruitful engagements during their stay in the country.

The delegation is also accompanied by Ambassador Lemoshira, the Kenyan ambassador to Algeria.

I thank you.

### PETITIONS

#### CONSTRUCTION OF DAMS AND DRILLING OF BOREHOLES IN TURKANA COUNTY

**Hon. Deputy Speaker:** On this particular one, we have Hon. Jeremiah Ekamais. Is he in the House? Proceed.

**Hon. Lomorukai:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to read this Petition. It is by residents of Turkana County on the establishment of dams and drilling of boreholes.

I, the undersigned, on behalf of the residents of Turkana County draw the attention of the House to the following...

Hon. Deputy Speaker, the problem is that I did not carry my spectacles.

THAT, Article 69 of the Constitution provides that the State shall ensure sustainable exploration, utilisation, management and conservation of the...

**Hon. Deputy Speaker:** Hon. Ekamais, I know you have a problem. Normally you use some glasses. I do not know whether that is what is giving you trouble.

**Hon. Lomorukai:** That is the major problem.

*(Hon. F.K. Wanyonyi gave Hon. Lomorukai his spectacles)*

This one is different.

*(Laughter)*

**Hon. Deputy Speaker:** I think in the spirit of the handshakes of yesterday, I can see many members approaching you.

**Hon. Lomorukai:** Thank you, Hon. Deputy Speaker. I think the handshake has really helped a lot. I repeat.

**Hon. Deputy Speaker:** Order, Hon. Ekamais! Actually, the Member for Juja wants to give you his contact lenses. I do not know how he will remove them from his eyes.

*(Laughter)*

You can proceed.

**Hon. Lomorukai:** Thank you.

Hon. Deputy Speaker, I, the undersigned, on behalf of the residents of Turkana County, draw the attention of the House to the following:

THAT, Article 69 of the Constitution provides that the State shall ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;

THAT, water is a key natural resource which is essential for the wellbeing of every individual;

THAT, Turkana County is an arid and semi-arid area and as a result experiences dry spells and lack of water and pasture throughout the year;

THAT, the Turkana residents' main economic activity is livestock farming and, therefore, it is crucial to have adequate water for livestock use;

THAT, in the recent past, the residents of Loima and Turkana West have migrated to the neighbouring districts of Uganda in search of water and pastures for their animals;

CONCERNED THAT for more than 40 years, pastoralists in those areas have suffered due to lack of basic necessities such as water for both domestic use and for livestock;

THAT, the residents have persistently sought assistance from the Government and Non-Governmental Organisations for construction of dams and drilling of boreholes in Turkana County to provide water to the residents with no avail;

THAT, efforts to resolve this matter with the relevant Government agencies have been futile; and

THAT, the matter presented in this Petition is not pending before any tribunal, court of law or independent body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

1. Recommends that the National Assembly allocates funds for construction of at least three dams and three boreholes in Namoniangikala, Lomokori and Moruita areas;
2. Ensures that the Petitioners' plight is addressed; and
3. Makes any other order or direction that it deems fit in the circumstances of the matter.

Your Petitioners will ever pray.

My friend Sankok will contribute to this.

**Hon. Deputy Speaker:** No. That is not your business, Hon. Ekamais. In fact, as a result of what you have just done, Hon. Sankok will not contribute to the Petition. That is when you will realise that power rests somewhere. You cannot choose Members who will speak. I see Hon. Sankok on the list but I will skip him and give an opportunity to the Member for Kwanza, Hon. Wanyonyi Kevin.

**Hon. F.K. Wanyonyi:** Hon. Deputy Speaker, I want to take this opportunity to thank my colleague. I come from Trans Nzoia County which neighbours Turkana County. This Petition is properly before this House. It is necessary for us to help the residents of Turkana. As you know, we recently passed the Irrigation Bill. It is so unfair that in most cases, during the dry spell, the residents of Turkana go to Uganda to graze their animals. Therefore, it is necessary for us to build for them the boreholes and dams as requested. This Parliament, through this Petition and the Ministry of Agriculture and Irrigation, should do something on this request because that is the only way we can help the people of Turkana.

I support the Petition.

**Hon. Deputy Speaker:** On the other side, I see Hon. Bowen Kangogo, Member for Marakwet East.

**Hon. Bowen:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to support my good friend from Loima. The Petition before this House is very important because water is a basic human need, especially for the pastoral community. To change the nomadic life of the people of Turkana and pastoralists in Kenya in general, we need to provide water for them. It is very unfortunate that our people in Turkana have to cross to Uganda to get water. As a Member of the Departmental Committee on Environment and Natural Resources, we will take this Petition very seriously to make sure that the people of Loima benefit from the natural resource of water.

I also want to tell the Member that there is the Equalisation Fund whose Estimates the Leader of the Majority Party will table before this House this afternoon. In that Fund, there is an aspect of water. We encourage the Turkana MPs to utilise that Equalisation Fund so that the people of Turkana can have water.

I support the Petition.

**Hon. Deputy Speaker:** Lastly, let me give an opportunity to Hon. Murungi Kathuri.

**Hon. Murungi:** Thank you, Hon. Deputy Speaker. I also want to comment on this Petition. Most of the areas in Kenya are dry. Almost two-thirds of the Kenyan land mass is dry. As we ask the national Government to build those boreholes, Turkana County receives the highest amount of money from Parliament through the county government. Therefore, Turkana County receives money from the county government plus the Equalisation Fund through this Parliament because we have that responsibility. We would like to see what has been done in Turkana County with those two funds.

I chair the Committee on Special Funds which looks at the audit reports of the Equalisation Fund. I would be very interested to see the impact of that Fund in this country. Many Members are always complaining that the Equalisation Fund is not running smoothly and reaching the beneficiaries. A lot can be done but I support the Petition. The residents of Turkana can also use the water from Lake Turkana which is a fresh-water lake. Turkana also has a lot of water aquifers. The Government can tap that resource and benefit the people of Turkana.

**Hon. Deputy Speaker:** Let us have Hon. Wandayi.

**Hon. Wandayi:** Hon. Deputy Speaker, I also wish to thank my friend and colleague, the Member for Loima, for presenting this Petition. I want to echo the sentiments of Hon. Kathuri Murungi. Even as we petition the national Government to help the people in terms of the provision of basic facilities, requirements or necessities such as water, we must be alive to the fact that the county governments have now come of age. We could have excused them in the first term but currently, the county governments should be in a position to prioritise for their people what needs to be done.

**Hon. Deputy Speaker:** Let us be brief, Hon. Wandayi.

**Hon. Wandayi:** As much as I want to support the Petition and implore the Government, through this House to look at the matter expeditiously, I must challenge the county governments to up their game and address the issues that are of concern to the people in their counties.

**Hon. Deputy Speaker:** Do you support or oppose the Petition? You have been opposing petitions since morning.

**Hon. Wandayi:** Hon. Deputy Speaker, Petitions are neither opposed nor supported.

**Hon. Deputy Speaker:** Let us have the next Petition by Hon. Mwashedtani.

#### DEMOLITION OF BUILDINGS ALONG LIKONI-LUNGALUNGA ROAD

**Hon. Mwashedtani:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to present this Petition, on behalf of the people of Kwale County. The Petition is about demolition of buildings to facilitate expansion of the Likoni-Lungalunga Road.

I, the undersigned, on behalf of residents of Kwale County, draw the attention of the House to the following:

THAT, aware that Lungalunga Constituency is located in Kwale County and is a tourist attraction area and the food basket of the coastal region in Kenya;

THAT, there are major investments in form of recreational establishments and businesses in the Lungalunga area that facilitate economic activities for the local community;

THAT, Section 111 of the Land Act 2012 envisages that if land is acquired compulsorily, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined;

THAT, the Kenya National Highways Authority (KeNHA) issued an eviction and demolition notice to some land and business owners in regard to buildings erected along the Likoni-Lungalunga (A14) road reserve and other effected the orders;

THAT, the buildings in question were constructed over 60 years ago and were erected on legally acquired land and as per occupant in good faith;

THAT, Article 40 (4) provides that compensation may be paid to occupants in good faith for land acquired from owners who may not hold titles to the land;

THAT, some of the buildings demolished were located more than 20 metres from the road reserve. Therefore, were not eligible for demolition or eviction;

THAT, the demolition and eviction has rendered those residents squatters and deprived them of their means of livelihood as it serves as a source of accessing education and health services;

THAT, the matter is urgent and requires immediate intervention from the respective Government agencies;

THAT, efforts to resolve the matter with the respective authorities have been futile;

THAT, the matter in respect of which this Petition is made is not pending before any court of law.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands –

(i) Recommends compensation for the affected property and land owners and some token for occupant in good faith to express Government will for social justice; and,

(ii) Recommends establishment of a committee of the affected persons at location level to identify the affected persons to ensure that the petitioners' plight is addressed.

And your petitioners will ever pray.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I will not open this Petition to so much debate. I will give an opportunity to only one Member to comment. Hon. Nyamai, do you want to contribute to this particular Petition or it is the next one?

Proceed, Hon. Nyamai.

**Hon. (Ms.) Nyamai:** Thank you very much, Hon. Deputy Speaker. I know that this Petition has been raised by Hon. Mwashedani, who is the Vice Chair of the Departmental Committee on Lands. He will come to our Committee. However, I would like to make a short comment about this Petition, as the Member for Kitui South.

There is a problem with the roads that are being constructed. We really need them, but currently there are complaints in my constituency along all the towns that are within Kitui South, more so in Athi, Mutomo, Ikanga and Ikutha. This is because KeNHA has changed the size of the road. It was initially supposed to be 20 metres from the centre of the road, but it has since been increased to 30 metres. People's houses have been demolished and towns are affected. As we deal with the matters that have been raised by Hon. Mwashedani, we call upon KeNHA to decisively deal with this matter.

I know that the Land Index Bill that is upcoming will kind of bring a solution to this matter. I would like to say that the Committee has already considered the Bill, and we have already written a report. So, it will be coming here soon. However, before the Bill becomes law, it is important for us to deal with our constituents because people are becoming impatient.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Is that the Member for Wundanyi?

**Hon. Mwadime:** Asante sana, Mhe. Naibu wa Spika. Mimi ni Mbunge wa Mwatate.

Kwa kweli, haya malalamishi yanaenea kila mahali. Nikiangalia katika barabara ambayo imetengenezwa na KeNHA kutoka Voi mpaka Taveta, kuna watu wengi sana katika sehemu za Mlughii, Bura na Chavia, ambao hawajapata fidia licha ya kwamba ujenzi wa barabara hiyo ulikamilika zamani. Watu wengi kule Mwatate wanataabika kwa sababu hawajui wataenda wapi. Kila wakati wanakuja kwangu. Kila ninapoenda katika ofisi ya mashamba ninapata watu hao hawajalipwa fidia. Wengine wamepata fidia na tunashukuru, lakini wengine hawajapata. Naiomba Kamati ijaribu kuangalia wakati hizi barabara zinatengenezwa ndio angalau tuiswache hao watu wakiumia kwa sababu ni binadamu kama sisi.

Nilikuwa nimeweka malalamishi kwa suala kama hili pia lakini nitaliondoa kwa sababu mwenzangu amenitangulia na ameongea kuhusu jambo hilo.

Ahsante sana, Mhe. Naibu wa Spika.

**Hon. Deputy Speaker:** Next Order. I know that many other Members wanted to contribute to this Petition, but let us leave it for another time.

## PAPERS LAID

**Hon. Washiali:** Hon. Deputy Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

The National Government Budget Implementation Review Report (Half Year) for the Financial Year 2017/2018 from the Office of the Controller of Budget;

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2017 and the certificates therein:

- (i) Ministry of Land and Physical Planning;
- (ii) State Department of Gender Affairs;
- (iii) State Department of Special Programmes;
- (iv) State Department of Cooperatives (Vote 1173);
- (v) National Treasury Main Clearance Fund;
- (vi) Commission on Revenue Allocation; and,
- (vii) Rural Enterprise Fund.

Report of the Auditor-General and Financial Statements of the Kenya National Shipping Line Limited for the year ended 30<sup>th</sup> June 2014 and the certificate therein.

The 2017 Post-Election Economic and Fiscal Report from the National Treasury, pursuant to Section 27(1) of the Public Finance Management Act.

Report of the Kenya National Commission on Human Rights on Investigations into Police Brutality Committed at the University of Nairobi on 28<sup>th</sup> September 2017.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us go to the next Order.

## NOTICE OF MOTION

### RECRUITMENT OF NATIONAL YOUTH SERVICE GRADUATES TO SERVE IN DISCIPLINED FORCES

**Hon. Muchira:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that the National Youth Service (NYS) is a Government department established by an Act of Parliament Cap.208 Laws of Kenya whose vision is to catalyse a transformative youth empowerment Kenya; further aware that the twin purposes of NYS are to create a pool of technical, disciplined and organised human resource to undertake national development programmes and to alleviate youth unemployment in both formal and informal sectors, by providing skills necessary for employment while promoting national cohesion; further appreciating that NYS currently targets to recruit over twenty six thousand (26,000) youths annually through a laid down procedure where the vacancies in each intake are allocated for every county and gender; acknowledging that the recruits undergo intense six months training in paramilitary skills, national reconstruction programmes, disaster response, imparting a sense of responsibility, values of discipline, respect to authority among other skills and values; deeply concerned that after successful completion of training the graduate youths are discharged to seek jobs which often are not readily available; cognisant of the various recruitment procedures, criteria and budgets allocated for the recruitment and training of servicemen and women to serve in the various disciplined forces in Kenya, this House urges the Government through all the disciplined forces to consider giving priority in recruitment of their servicemen and women to willing NYS graduates with a view to reduce their recruitment cost, training cost and subsequently training period and in addition creating jobs for these skilled youths.

Thank you, Hon. Deputy Speaker.

**Hon. Speaker:** Before we go to the next Order, let me recognise in the Public Gallery, students and teachers from Don Bosco Secondary School, Starehe Constituency, of Nairobi County and Ruiru Boys Secondary School from Ruiru Constituency, Kiambu County.

For notification, Hon. Members, pursuant to Standing Order No. 28(3) which relates to the Calendar of the Assembly, upon the rise of the House today, at the appointed time, regular Sittings will resume on Tuesday, 5<sup>th</sup> June 2018. I am reminding Hon. Sankok that he should not come to Parliament next week. It has to be next month on 5<sup>th</sup> June 2018.

**Hon. ole Sankok:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Sankok? What is out of order? Is it that you should come on 5<sup>th</sup> June?

**Hon. ole Sankok:** Hon. Deputy Speaker, what have I done to you today?

(Laughter)

Frankly speaking, from the beginning, I corrected you that you were reading a Question while seated ...

**Hon. Deputy Speaker:** Under what Standing Order are you on your feet, Hon. Sankok? In this House, you must quote the Standing Order that you are rising upon. Which one is it?

**Hon. ole Sankok:** Again, I was on top of the list. I was number one. It is not a sitting order but a Standing Order.

(Laughter)

I was on top of the list. I came very early.

**Hon. Deputy Speaker:** How did you see that Hon. Sankok?

**Hon. ole Sankok:** You mentioned it.

**Hon. Deputy Speaker:** Hon. Sankok, you are completely out of order. Hon. Sankok, of course, you will contribute this afternoon. You are doing well in the pecking order. Sit pretty. You will have your opportunity.

Next Order.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD OF A BILL

**Hon. Deputy Speaker:** Let us have the Chair of Budget and Appropriations Committee.

**Hon. Ichungw'ah:** Hon. Speaker, I beg to move:

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Equalisation Fund Appropriation Bill (National Assembly Bill No. 16 of 2018) from 7 days to 1 day.

In light of the fact that this came today and with the late submission of the Estimates for the Equalisation Fund, it will only be fair to do justice to those Members, constituencies and counties that benefit from this Fund. It is a revote of the same Appropriations Bill that we did in the last financial year but it lapsed. It is important to appropriate this money so that they can complete the many projects that were listed in our reports that are still unfinished because of lack of funds.

I ask Hon. Wario from Moyale Constituency, a Member of the Budget and Appropriations Committee to second.

**Hon. Deputy Speaker:** Is that Hon. Wario standing? Okay, that must be another Hon. Wario. We know the other one from Tana River. This one must be the one from Moyale.

Proceed, Hon. Wario. I cannot pick your card here. Unless, you place it in the intervention slot, it may not be easy. We are trying to locate you. You may use the next one. You seem to be unlucky with the gadgets today. Maybe, you can use the Dispatch Box. You are being located left, right and centre and you are not being found. You have it now, proceed.

**Hon. Qalicha Wario:** Thank you, Hon. Deputy Speaker. Equalisation Fund is anchored in the Constitution. Chapter 12 of the Constitution and the Public Finance Management Act clearly indicate that disparities among counties can be catered for under the Equalisation Fund. Since its inception, when the Constitution was inaugurated, the Fund has not been appropriated as required and it has not benefited areas it ought to have. As a result, currently, there are projects which are on-going but the Fund cannot be given by the Controller of Budget because the Appropriation Bill has lapsed.

As a result, it is very necessary for this House to accept the reduction of the period of publication of the Equalisation Fund Bill from 7 days to one day.

I beg to second. Thank you.

**Hon. Deputy Speaker:** Hon. Members, the person moving should talk more than the one seconding. It is only better done that way.

*(Question proposed)*

**Hon. Members:** Put the Question!

(Question put and agreed to)

## BILL

### Second Reading

#### THE SUPPLEMENTARY APPROPRIATION (No.2) BILL

(Hon. Ichung’wah on 3.5.2018)

(Debate concluded on 3.5.2018 – Morning Sitting)

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee  
of the whole House today by leave of the House)

## MOTION

#### REPORT OF THE ESTIMATES OF REVENUE AND EXPENDITURE FROM THE EQUALISATION FUND 2017/2018

**Hon. Ichung’wah:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Estimates of Revenue and Expenditure from the Equalisation Fund for the Financial Year 2017/18, laid on the Table of the House on Thursday, 3<sup>rd</sup> May 2018, and pursuant to provisions of Article 204 of the Constitution and Standing Order 235(5), approves the withdrawal of Kshs.11, 977, 764, 688 from the Equalisation Fund that consists of:

- (i) Kshs. 428,162,930.40 for Recurrent Expenditure; and
- (ii) Kshs. 11,549,601,757.60 for Development Expenditure.

Hon. Deputy Speaker, as per the Report tabled before this House and, as I mentioned in the Procedural Motion, this is simply a revote of the same Appropriations Bill that we did in the last financial year but lapsed. If Hon. Members read the Committee’s recommendations, they would have seen that we are recommending that in future, to avoid further delays in implementation of the Equalisation Fund, the National Treasury should submit the Equalisation Fund Estimates together with the Annual Estimates beginning with the 2018/2019 Financial Estimates.

The Financial Estimates for the ensuing Financial Year were tabled by the Leader of the Majority Party this morning. It is my sincere hope that the National Treasury has submitted the Equalisation Fund Estimates as provided for in the Constitution and in our Standing Orders together with those of the other Estimates. I can hear the Leader of the Majority Party whispering that they have done so. That is why I said I sincerely hope so because I am yet to see what was tabled this morning.

It is also imperative that this House insists that the National Treasury tables these Estimates together so that as we consider the Annual Estimates, we also consider the Equalisation Fund Estimates to avoid a situation like the one we are in now where we have to revothe because in the last financial year, we were only able to appropriate this money too close to the end of the financial year. Therefore, the agencies that were implementing these projects were not able to do so and absorb this money before the end of the financial year.

The other recommendation is that the second generation marginalisation policy being developed by the Commission for Revenue Allocation (CRA) should and must be tabled in this House. There is a tendency by some of these constitutional commissions to ignore, and hold with a lot of contempt, this House. As representatives of our people, we have a stake in many of these policies. We must insist, as recommended by the Committee, that this policy be tabled and adopted by this House so that if there are regions that warrant qualification under Equalisation Fund and are currently not benefiting, they can benefit. I looked at the 14 counties that are benefiting from this Fund. You can see there are many deserving areas, including pockets of Kiambu like in Ndeiya and Gatuanyaga that border Yatta and Kitui counties that have the same geographical dispersions and same conditions as those marginalised areas. There are areas in Kitui, Laikipia and Ukambani that are not benefitting. There are parts of Makueni and Kajiado counties that have suffered. I know this is an emotive issue, but I am just mentioning these issues so that Members can get interest. We have areas in Nyando and Kiptororo....

**Hon. Deputy Speaker:** You are not coming out very clearly. Did you say Kiptororo? Proceed.

*(Laughter)*

**Hon. Ichung'wah:** Of course, Hon. Deputy Speaker. Areas like Kiptororo where people are suffering and have been marginalised over the years. Therefore, we need to have Members of this House to interrogate that marginalisation policy so that we ensure that those areas that are not covered are also covered, not just the counties as was there in the first marginalisation policy.

Thirdly, the Committee recommends the amendment of the Public Finance Management Act to provide the necessary safeguard of the resources in the Fund. Specifically, the Committee will move to make amendments geared towards making sure that the resources appropriated do not lapse at the end of any financial year as has happened with this Bill. That is just to safeguard this Fund just like we have done with CDF that at the end of every financial year, this Fund does not lapse and any monies that have been appropriated remain in the Fund for use to uplift these marginalised areas.

Lastly, I am speaking to Members who come from the counties and constituencies that benefit from this Fund in line with the Constitution. The Fund is meant to uplift those marginalised areas in matters of health, energy and water. If you look at the Report, and Members should take interest because I do not want to be specific to any particular constituency or county; you will find projects of about Kshs20 million or Kshs30 million in specific constituencies and counties. The spirit of the Constitution with regard to the creation of this Fund was to uplift those marginalised areas. I highly doubt whether one small project of Kshs20 million to do a road will, in a big way, impact the uplifting of those marginalised areas. This is because we are being given that opportunity through public participation to identify projects, be they mega that would otherwise not be funded in any other way. For instance, if you go to

Turkana County, from the advent of devolution, it is one of the counties that have received the highest allocation of development funds.

Also in this Bill, it is receiving the highest allocation of the Equalisation Fund. Before we changed the allocation formulae for the National Government Constituencies Development Fund (NG-CDF), constituencies in Turkana County were also receiving the highest allocations, but we and the rest of Kenyans know that there is nothing significant that has happened in Turkana County to change the lives of the people of Turkana. Therefore, it is a challenge to the Members of that county and, indeed, to us as national leaders even as we will be interrogating the marginalisation policy that will be brought by the Commission on Revenue Allocation.

As we identify projects, for those of us who will be affected by this fund in the coming financial year, we should identify mega projects like a dam that will provide water to millions of people across the county instead of identifying one small borehole of Kshs5 to Kshs7 million shillings that will only be able to provide water for a limited time to a small locality.

Lastly, it is on... I have forgotten. But before you put the Question, Hon. Deputy Speaker, since I will have time to reply now that I have forgotten my last point, let me ask one of the principal beneficiaries of this Fund, the Leader of the Majority Party, Hon. Aden Duale, Member of Parliament for Garissa Constituency, to second this Bill.

**Hon. A.B. Duale:** Thank you, Hon. Deputy Speaker. I am a beneficiary of this Fund courtesy of the 2010 Constitution. It is not because of the whims of those in power. Article 204 of the Constitution is very clear. Let us call a spade, a spade. Let us read the Constitution. For those who have not read it, if you may allow me, Hon. Deputy Speaker, Article 204(2) reads:

"The national government shall use the Equalisation Fund only to provide basic services including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible."

The Constitution is in black and white. Some of us participated in the making of this Constitution, not because we loved all the provisions in it. Some of us supported it one, because of Equalisation Fund two, because of devolution and three, because of the Kadhis Courts. Those are the three things that even made me, for the first time in the history of Kenya, go to a different side, opposing Hon. William Ruto's team that opposed the Constitution. That was the only time I left William Ruto. I left him on principle.

It is very sad; this Equalisation Fund has a time frame of 20 years. Eight years have so far lapsed and there is nothing to show on the ground for these eight years. They are gone and we only have 12 years left. The National Treasury must tell us where the money allocated for equalisation is kept. In fact, I want to challenge the Cabinet Secretary (CS) Treasury to tell this House and the Chairperson of the Budget and Appropriations Committee where the office the Equalisation Fund Advisory Board Secretariat is. We want to know its physical address. They are proposing to have Kshs485 million for administration. They have spent Kshs485 million yet there is no physical address for the Equalisation Fund Advisory Board Secretariat. This House must play its duty to protect.

**The Deputy Speaker** (Hon. Cheboi): I see quite a number of members are on intervention. What is it Hon. Kilonzo Mutavi? Does he want to contribute?

**Hon. Kilonzo:** Thank you, Hon. Deputy Speaker. Is the Hon. Member in order to mislead the House that he supported the 2010 Constitution whereas he and the Deputy President gave those of us who were supporting the new Constitution a lot of problems?

(*Laughter*)

Now that there is a new culture of apologising and shaking hands, can he take this opportunity to apologise to us who fought hard for him to get Equalisation Fund as he is getting now?

**Hon. A.B. Duale:** Hon. Deputy Speaker, Hon Kilonzo then, was a member of Wiper Democratic Movement-Kenya (WDM-K). During the Constitution Referendum, he went to bed with Orange Democratic Movement (ODM). He was close to the former Prime Minister. Because they branded some of us, including my party leader, the current President, the late John Michuki as “watermelons”, he still believes I am a watermelon. I voted and my constituents voted.

Back to the Bill, the Equalisation Fund is a special fund established under Article 204 of the Constitution to upscale delivery of service and facilities in areas that have been marginalised by nothing else but centralisation in resource allocation. Before the advent of the 2010 Constitution, Kenya in terms of resources was run through a centralisation policy. It is sad today; we voted for devolution and the pastoralist counties get the highest allocation of resources starting with Turkana. The three counties of North Eastern get over Kshs30 billion and still we do not see much on the ground. I am sure as years go by, things will change.

This Fund was to be utilised on provision of four key areas of water, health, electricity and roads. The Constitution further gives a time line for the delivery of Equalisation Fund at 20 years. This means we are behind schedule in terms of actual implementation. This responsibility lies with Equalisation Fund Advisory Board. This Fund is only for 20 years and already eight years are gone and nothing can be seen on the ground.

The Budget and Appropriations Committee needs to be recognised for the way they have worked. I want to thank the Chairperson. It is Friday last week that we decided we should pass this Bill before we go on recess. In fact, Monday afternoon, the Committee had a sitting and they went through this Report. Last night, through the Office of the Clerk, we made sure that the Bill is published. So, the current Budget and Appropriations Committee has done a good job within a short time to bring us a Report and to prepare the Equalisation Bill.

This House needs to approve these funds for ultimate utilisation by the people concerned. The resources appropriated from the Equalisation Fund in the past have been treated like the resources appropriated annually yet this Fund ought to be treated like the NG-CDF is treated. It must be ring fenced. Even if a financial year lapses, the resources are available for utilisation. That is why the Chairperson said that once we come back, we will amend the Public Finance Management Act to provide for that ring fencing. I want Members to support that.

Members have to be concerned with the poor absorption capacity of these funds. The funds are for critical areas and there is no reason whatsoever, to deter the implementation. I believe the Budget and Appropriations Committee reviewed the Budget Estimates of Financial Year 2018/2019 and it will ask the National Treasury where the administrator of this Fund resides. I want the Chairperson and Members to ask the CS for National Treasury where the administrator of this Fund resides. There must be an administrator; it can be the Permanent Secretary for National Treasury, it can be the Minister, there must be an administrator stationed somewhere with a physical address that Members and everybody can go and Parliament can invite and grill on the usage of this Fund.

Finally, I want to beg the Chairperson not to use his powers, as the Member of Parliament for Kikuyu, to go for funds that do not belong to him. You are privileged because you have produced two presidents.

**Hon. Ichung’wah:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it Hon. Ichung'wah now that you have been mentioned?

**Hon. Ichung'wah:** Hon. Deputy Speaker, the Leader of the Majority Party, who I will respectfully say is a major beneficiary of these funds in Garissa County, has said that I am using my position as the Chair of the Budget and Appropriations Committee to go for funds that do not belong to me. I pointed it out to the House that it is a fact that there are areas in this country that deserve these funds. I gave the example of Kiptororo, Makueni, Kitui and the boundary of Kikuyu and Kajiado. There is the accusation that we have produced two presidents. Unless Kikuyu Constituency and Kenyans see it befitting for the Member of Kikuyu to be the President of this country in future, Kikuyu Constituency has never produced a President. The only Presidents we have had in this country are Mzee Jomo Kenyatta who was from Gatundu South, Mzee Daniel Moi from Kabartonjo and Mzee Mwai Kibaki who hails from Othaya and Shauri Moyo in Nairobi. Our good friend, Hon. Uhuru Kenyatta hails from Gatundu South. These people have served this country as presidents not on account of where they came from but because Kenyans found them befitting to serve this country as Presidents. Should they find the Member for Kikuyu Constituency befitting in the future, it will be quite..

**Hon. Deputy Speaker:** So, what is out of order? You are using that point of order for political gain, so you are out of order.

**Hon. Maore:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it the former Member for Ntonyiri now the Member for Igembe North?

**Hon. Maore:** Thank you, Hon. Deputy Speaker. We should describe something when it looks bad. Igembe North Constituency which I represent, shares a 240 kilometer stretch of boundary with Isiolo. I am talking to what he is justifying. You do not put funds in the wrong place for the purpose of discrimination and start cheering about it. The Leader of the Majority Party knows that the climate in Garbatula and Kula Mawe is the same as the climate in Kachuru in my Constituency. They benefit, we do not. This is a bad thing.

**Hon. Deputy Speaker:** You might have a point. Probably you do, the only problem is you have risen on a point of order and proceeded to debate. You have said that you share a 240 kilometres boundary with Isiolo, they benefit, and you do not. That is a point of argument. It is something you can contribute towards. Maybe you should wait patiently; I will give you the opportunity to say something later in your contribution. Let him second so that I can open it up for debate.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I am not speaking as the Leader of the Majority Party, I am speaking as the Member for Garissa Township Constituency. I also hold a privileged position given to me by the Pastoralist Parliamentary Group to be their patron. I am not a framer of the Constitution. The wisdom behind the framers of the Constitution is to realise that Article 204 is important for certain reasons, certain resources and certain communities. I would like to send a warning to the Commission on Revenue Allocation. There are places like Igembe that border Isiolo. Some of us are proud to have been born in the most hostile environment. We have no apologies to make. We are pastoralists, we rear camels that endure hardship and they can stay without water for 30 days. We are proud of that. But a provision of the Constitution cannot be diluted. We can even remove the whole Article 204 and be like other Kenyans. If the CRA is watching me, these are resources meant to uplift certain communities, regions and constituencies that were left behind by all the successive governments. The Constitution provided two avenues. One was the advent of devolution. Today the people of Garissa have their own assembly and resources. With the floods, we have a government that can provide

certain assistance. We never had that before. Two, CRA is supposed to present to this House the marginalisation ratio policy. We are aware that they want to give every part of this country including Bondo, Eldoret North, Ichaweri where the President comes from and Kabartonjo where Mzee Moi came from. Even in Nyanza, there are certain areas which have been left out. We have no problem if they are both on board. Even in Endebess and parts of Emurua Dikirr there are such areas too. You cannot tell me you will give this money to all the sub-locations in this country. We better go back to the constitution-making.

As I finish, I am very happy we are dealing with this matter today. Hon. Henry Rotich is appearing before the Budget and Appropriations Committee. Hon. Chairman, you must ask him where the administrator of this Fund is. We need his physical location. We need to talk to him and he needs to go to the ground. How do you take eight years to implement Kshs11 billion? How do you take eight years as a country? That tells you the kind of bureaucracy and failure the Government has. Eight years and people have no water and electricity, no roads, mothers cannot deliver in proper health facilities yet their money is in the Consolidated Fund! The Constitution has provided for their money and eight years down the line, you are telling us you cannot implement Kshs11 billion. This House must take its rightful share as provided for in the Constitution. We must bring the National Treasury to their knees and they must implement and give the people of Kenya, particularly those who have been marginalised and have been given these resources by this Constitution...

**Hon. Deputy Speaker:** Okay.

**Hon. A. B. Duale:** Hon. Deputy Speaker, do not cut me off.

**Hon. Deputy Speaker:** Well, I have not done that. Honestly you have spoken for quite some time.

**Hon. A.B. Duale:** There are many times we speak for Government, allow us to speak for our people.

**Hon. Deputy Speaker:** You have already done that.

**Hon. A.B. Duale:** With those many remarks, I beg to second.

**Hon. Deputy Speaker:** You also need other Members to contribute to this particular issue.

*(Question proposed)*

The Leader of the Minority Party will have priority but I also think Members who have not spoken also have some priority. Hon. Mbadi, the Standing Orders are clear, so speak first. Let us see what you have to say on this one, and then I will give to other Members.

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker. I rise to support this Motion. First, it became necessary to insert this Article 204 in the Constitution because of our bad manners as a country since Independence. If we were a country that was thinking about allocating resources to develop the entire country in a better organised way, then we would not have this Article in the Constitution. Because over the years and because of the sessional papers that were drafted by people I do not want to mention, which entrenched marginalisation of certain areas in this country, it became necessary to insert this provision in the Constitution and we have to live with it.

My concern is that, and I am sure Members have realised, we are appropriating sums that we had already appropriated. That is what is causing me concern. We had already appropriated this sum of close to Kshs12 billion in the previous years, but because the people tasked with the

responsibility of implementing the Appropriation Acts that this Parliament passed failed to do so, we are here again re-appropriating the same amount. I agree with the Leader of the Majority Party that we need to amend the PFM Act to cushion this Fund like any other fund that is cushioned like the NG-CDF so that we do not come back to re-appropriate sums that we had already appropriated. It entrenches marginalisation.

What even annoyed me further when we met with the Commission on Revenue Allocation as the Budget and Appropriations Committee is that the secretariat, which is purely Government technocrats, have spent well over Kshs400 million on implementing nothing over the years. They have not implemented anything yet they are spending money. This is a Fund that is being expended by people who are managing it but are managing it sitting in the office and money is not going to the areas it should go to. We had identified the counties, through the CRA, which were supposed to benefit from this Fund and we appropriated Kshs12 billion in two consecutive years. See where we are.

The provision in the Constitution is clear that 0.5 per cent of revenue based on the last audited accounts should be transferred to this Fund every year. That is a constitutional requirement. The question is, are we transferring 0.5 per cent? It cannot be that the first year it was Kshs6 billion, the second year it is Kshs6 billion yet revenue keeps on rising. The National Treasury needs to be serious with this money and transfer the correct amount.

Even as we talk about this Equalisation Fund, I think as a country we need to be careful. We may use this Fund to marginalise further the marginalised areas, because we will not be allocating adequate funds to these areas for development by simply using the excuse of the Fund, which cannot do a significant project if you look at it critically. So, something needs to be done, an intervention, affirmative action, so that these areas also come up.

Where I want to disagree a little bit with the Leader of the Majority Party is that the Constitution has talked about marginalised areas; it does not talk about marginalised counties. I think it should be observed that there are some counties that when you look at globally, or in terms of statistics from the Kenya National Bureau of Statistics (KNBS), as a county—like Kajiado is either the richest or second to Nairobi—but there are specific areas in Kajiado that are more marginalised than a place in Garissa Township where the Leader of the Majority Party represents. As a matter of fact, there are some counties that are marginalised entirely, like Mandera and Garissa. There is no debate about it. But if you compare Garissa Township with Suba South and Suba North constituencies, you will agree with me—at least Suba North; Suba South is even worse. I will tell you that this is the first time in history, when I have been Member of Parliament, when Suba South people have seen a tarmac road. There are so many areas in the country which almost have tarmac roads everywhere. So, there is marginalisation within the counties. I think that is what CRA must identify.

Let our brothers who come from these marginalised counties, and I know many of them, including Mandera, Garissa, Wajir, Tana River, Turkana, also accept that there are pockets of areas in certain counties which are marginalised. Not Kikuyu obviously. You need really to convince a stranger. Even a stranger in Kenya cannot be convinced that Kikuyu or even Kiambu in its entirety is marginalised. Hon. Waititu talks of Juja Constituency being marginalised. Some MPs even told us that Kibra is marginalised. It is not marginalisation in terms of poverty. The marginalisation we are talking about here is about roads, health, water and electricity. The Constitution is very specific. An area is considered marginalised under this Equalisation Fund if it does not have roads, health facilities, water and electricity that you can compare with the rest

of the country. It is not about how many people fall below the poverty line or how many people do not earn a dollar a day.

**Hon. Deputy Speaker:** Can you, therefore, explain how Suba is marginalised when you are inside water?

**Hon. Ng'ongo:** Hon. Deputy Speaker, I will explain that very well. Suba South has 24 sub-locations. Hon. Millie is harassing me but I was sent to represent Suba South and she is here to represent Suba North and she keeps on asking me to represent Suba North yet I know very well she will get her turn to represent Suba North. Anyway, the truth is we are twin constituencies and I would tell you that more or less everything that I say about Suba South applies to Suba North. So, generally, Suba North will also suffer the same things that I am talking about Suba South.

There are five sub-locations out of 24, not even where I come from—in fact, the sub-location I come from cannot be considered marginalised—which you cannot even access. They are hilly and there are no roads. There is no electricity. In fact, right now is when they are seeing electricity wires for the first time. There were no health facilities. There is a sub-location called Malongo in my constituency. Before I became Member of Parliament, when someone fell sick, you had to organise...

*(Loud consultations)*

Hon. Deputy Speaker, I am being distracted so much by my sister and the Leader of the Majority Party. Malongo is a sub-location in my constituency. In this sub-location, you had to get sisal poles to tie and carry a human being on it to hospital. And it is not a short distance. I made effort to put up the first dispensary there. So, you can imagine how marginalised that sub-location was before I became a Member of Parliament. At least now they have that dispensary and a road which I opened to that place, which again, because we decided to devolve rural roads, now it is almost becoming a footpath; it is not a road anymore.

I was appealing to the Leader of the Majority Party and my other brothers from the marginalised areas, especially the marginalised counties; that, we should not open this Fund to every sub-location in the country because then it defeats the logic for it, but we accept that there are certain counties like Baringo, for example, that were not considered here. In Homa Bay, you will get pockets of sub-locations in my constituency apparently, more than any other place that are marginalised.

So, Hon. Deputy Speaker, this time when we appropriate these funds, we will ask the National Treasury to disburse it. However, this House must re-look at the advisory board and how much we should allocate for it so that we do not spend money that is meant for marginalised areas to enrich people; paying them per diem, buying tea in offices here in Nairobi and fueling four-wheel drive vehicles.

With those many remarks, I support the appropriation of this money. Thank you.

**Hon. Deputy Speaker:** Okay, let me give the Floor to Hon. Rossana Muthoni also known as Esther Passaris. You will listen to her in total silence because that is her maiden speech.

*(Applause)*

**The Woman Representative for Nairobi County** (Hon. (Ms.) Esther Muthoni Rossana Passaris): Hon. Deputy Speaker, I stand before the House on this 12<sup>th</sup> Parliament for the first

time with utmost humility and gratitude for the privilege that the great people of Kenya and in particular Nairobi County have bestowed on me.

Allow me to bow down in submission to God Almighty, by whose grace we are granted favour and purpose. I live, learn and love because He lives, teaches and loves. Before I continue, I want to pass my condolences to the family of Hon. Grace Kipchoim Member of Parliament for Baringo South. I never knew her but from what I have heard, she was an honourable woman and she served her people well.

Going to the elections of 8<sup>th</sup> August, I am touched by the many Kenyans from diverse economic, ethnic, political and religious backgrounds who kept vigil. They braved the cold weather, queued for long hours, some heavily pregnant, others accompanied by babies, others elderly and frail, youthful and energetic to cast their votes. They did so with expectations to get new leaders or to bring in the old leaders to fight for their rights. It is not important whether one voted for me or not. What is important is that we vote and we continue to vote. Elections in Kenya have been fiery and unfriendly. It is now not important how we go there, but how we get out of there.

I celebrate both President Uhuru Kenyatta and the People's President Raila Odinga, my captain to Canaan, my *Baba*, and my political mentor for the handshake. I celebrate my Kikuyu grandmother whose wisdom and endurance were invaluable in shaping who I am. Let us seek advice from those who learnt from instincts and not only institutions. I celebrate my Greek father and my Dutch and French mother. Our parentage does not matter. I am a Kenyan. We need to blend, be and build Kenya as one. I celebrate my husband, Pius Ngugi for his acceptance of what he could not change. We were both in separate camps.

I am a headstrong woman and I have no apologies. I worked very hard to prove to my two children, Makena and Lefteris that failure is never final but the beginning of a new journey. To my predecessor, Rachel Shebesh, I want to thank her for conceding defeat graciously and handing over the mantle even as she dealt with the loss of her father. She accompanied and accommodated me to learn the ropes.

I am a Mombasa girl, born and bred with the diversity of the coastal town. I moved to the capital city in search of independence and greener pastures. Our capital city is for many a home away from home. We must strive to quench the thirst, to thrive and not just to survive by tackling the challenges one by one, two by two until the capital becomes the center of opportunity.

My focus as a leader of this great city I have come to call home is to unite the many citizens of this city that are able and Kenyans across all divides to deal with the issue of slums , poor sanitation, insecurity, unemployment, lack of access to medical facilities, street families, mental health, people living with disabilities (PLWDs), drug abuse, increasing crime rate, limited access to financial resources to start businesses to sustain income, lack of water, high cost of living, homelessness, congestion and our environmental challenges. All of these have been brought about by lack of planning and mismanagement of both public resources and positions.

I want to peg my leadership agenda on the 17 Sustainable Development Goals (SDGs), Vision 2030, Agenda 2063, the Four Pillars of Government namely manufacturing, universal healthcare, housing and food security.

Though overwhelming, if the administrative arms of Government are sincere about the handshake, they will embrace all leaders from both Houses and counties so that we can all work together to liberate our country and live up to the aspirations of our freedom fighters. This is because, true freedom is where life feels right and living becomes an inspiration and not a night mare.

Over and above the challenges, three are unique emotive problems facing women I represent. The threat of domestic violence, crimes of passion, sexual harassment and rape remain a reality in spite of existing laws that criminalise the same. We need to act also against corruption and together we can climb any mountain. Let us drive and deliver the dreams of men women and children of Kenya.

Allow me to share the story of a young boy called Shadrack who was hospitalised last year in August after he suffered road carnage on Outer Ring Road. He was paralysed from the neck down and was admitted at Kenyatta National Hospital (KNH). He was discharged in December, sent home without any assistance to his mother, no physiotherapy, no social services and no wheel chair. Shadrack went home and unfortunately suffered many bad sores and was returned to KNH. When I found Shadrack in KNH, I decided something needs to be done. Our social services have collapsed. I had him admitted at the Spinal Injury Hospital where he is up to today. Shadrack for me reflects the collapse of our services to our citizens. Shadrack's mother has eight children. I asked her one day: "How comes I was in the hospital many times and I never saw you?" She said: "I never had transport to get to the hospital."

So, we have real problems with real citizens and I feel that as a leader, it is people like Shadrack that have inspired me to get into leadership so that we can bring changes. It is Shadrack and many like him who suffer. The patients that I released out of KNH in December, 2017 are begging us to look into their needs.

I will take home certain cases. For instance, there was the Gender- Based Violence and Crimes Bill by Hon. Joyce Lay who pushed for the establishment of the gender crimes unit. I will introduce a Motion on the same and galvanise political goodwill for its implementation.

It is quite unfortunate that though we have women and youth who greatly contribute to the Gross Domestic Product (GDP) of the nation, their contribution cannot be quantified in figures or percentages since they remain unpaid, underpaid and mostly unemployed.

These are the youth that I will work with through an initiative dubbed "*Twende kazi*." My entire vision cannot be exhausted with the few minutes I have on this Floor. I am inspired by a little known pre-colonial activist whose middle name is Muthoni which we share, Mary Muthoni Nyanjiru. On 16<sup>th</sup> March 1922, in demanding the release of Harry Thuku, she led a demonstration against colonial masters. She dared the police by uttering the following words, "Take my dress and give me your trousers, you men are cowards. What are you waiting for? Our leader is in there, go and get him."

About 27 men and women were shot dead that day. Fifty-five years after Independence, women are still denied their space in leadership and made to look like a burden. The handshake should be made a calling for women and not be a strenuous agenda for the Government to weaken opponents or paralyse them, which brings questions to the...

**Hon. Deputy Speaker:** The Standing Orders provide that you should be heard in total silence, but it does not give us leeway to add you an additional minute. So, we will proceed and top on the list is Hon. ole Sankok.

**Hon. ole Sankok:** Thank you, Hon. Deputy Speaker, for giving me an opportunity. I have listened to the maiden speech by Hon. Passaris. She has very good English and I did not get most of the words, but nonetheless, I understood.

I want Hon. Ichung'wah to know that if he is blessed, he should thank God. In this country, there are areas where one cannot plant *sukuma wiki* or maize due to adverse weather conditions or wild animals. Some of us border the Maasai Mara and we cannot cultivate anything because of the wildebeests. We live in harmony with these animals for the sake of the whole

country since the highest foreign exchange earner is tourism. Therefore, we have decided to stay with the wild animals in Amboseli and Maasai Mara and that is why we are marginalised. Hon. Deputy Speaker, protect me from *daktari*.

**Hon. Deputy Speaker:** How do I protect a *daktari* from another *daktari*?

**Hon. ole Sankok:** Hon. Ichung'wah should know that he cannot blow off somebody else's candle for his to shine brighter. The Equalisation Fund candle is for 14 counties. If other counties feel marginalised, they should look for their own fund. We struggled during the constitution-making process to have Article 204 in it. Now, we have killed the animal, are dividing it and you want a piece, yet you were not in the hunting process. Let those counties which are blessed accept God's blessings. The handshake was not meant to share the Equalisation Fund. No! It remains for the marginalised counties.

We should ask ourselves the intention of this money. It is meant to improve the marginalised counties' roads, electricity, water and other social amenities. We need to use this money for mega tangible projects, which will bring change so that in future, we can get out of this marginalised situation. This Fund is simply meant for the marginalised. If we use it to create awareness or build boreholes, then we will not put marginalisation to an end. The time frame of this Fund is a total of 20 years. The drafters of the Constitution presumed that within this time, the marginalised counties will have caught up with the rest.

We have spent more than Kshs400 million on monitoring and administration of projects which do not exist in the marginalised counties. I want the Chair of the Budget and Appropriations Committee, together with the Ministry of Finance and National Treasury, to explain to us how the Kshs400million was used. If this money was used as administration fees for projects which do not exist, they should surcharge the employees for using this amount of money to inspect and monitor non-existent projects. The Equalisation Fund is specifically meant for infrastructure and electricity projects in counties which are prescribed. We know some constituencies are marginalised at the borders like the ones bordering Isiolo and have similar weather conditions. We understand but look for other funds. Do not wait for this Fund which is meant for 14 counties.

*[The Deputy Speaker (Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. (Ms.) Mbalu) took the Chair]*

This country has a budget, why not bring other indices, for example, poverty or weather conditions, to create another fund for those who are affected? Kenya is in one climatic region and weather belt. Why are we bringing boundary issues of certain regions, like Kiambu, which borders Kajiado? Why are we pretending? The drafters of the Constitution were well informed about the 14 marginalised counties. Why are we pretending to the extent that Kibra should be included in the Equalisation Fund? This beats logic. Let this Fund be for the counties which were targeted by Article 204 of the Constitution. If we want to amend it, we need to have a referendum. Forget about referendum issues to create positions but let there be a referendum to amend Article 204 of the Constitution.

Thank you, Hon. Temporary Deputy Speaker.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order Members! Let us have some decorum in the House. Member for Saku.

**Hon. Dido:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. I think the writing is on the wall. We all feel that we are marginalised. I think there are areas which have been marginalised since Independence and that is what the Constitution attempted to cure. If we are trying to gerrymander the poor, marginalised and almost making it a token for counties which are marginalised to get trickle down support, then we are violating the Constitution which Members of this House took oath to protect.

I thank the Budget and Appropriations Committee, particularly the Chairman. For the first time, he has listened to the Members. Members have a clear conversation on the things that are affecting them as the representatives of the people.

We hear from people from Nairobi that there are areas that are marginalised. It is the same thing in Kiambu, Murang'a, Nakuru and Meru. I almost think that is self-inflicted marginalisation.

*(Loud consultations)*

I have the Floor. That is self-inflicted marginalisation because you cannot have pockets of marginalisation in the island of plenty. We cannot argue on the Floor of this House that Kiambu is rich, but there are pockets of marginalisation. What has caused that yet they had the leadership? They had Members of Parliament and Ministers. What caused that? That argument cannot sell to the majority in this House. It is after 53 years of Independence that some of us have seen a tarmac road arriving in Marsabit. There are those who have been driving on tarmac roads since they were born. So, we cannot suddenly, late in the day, try to argue on the Floor of this House that marginalisation is not real. The 14 counties which have been picked from the beginning by the Committee on Revenue Allocation are the true marginalised areas and you cannot argue otherwise. If, in the wisdom of this House, more areas are included, let us look for more funds so that we can bring them on board. But you cannot cut it down to remove the limbs and hands of those who are still struggling. You are saying that Turkana County receives the highest allocation. Go to Turkana and you will feel that you must give more to Turkana.

This particular Motion is so important and very close to our hearts. For some of us, devolution brought the second independence. With it, we have this Fund. It is a special Fund, but what suddenly has happened is that there are fellows who are feasting on this Fund at the Treasury. We are not seeing it. The Budget and Appropriations Committee should make sure that this Fund, like any funds allocated, is properly appropriated and overseen. The projects that we see in the Schedule must be done and not seen to be done.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Next on my request list is the Member for Central Imenti.

**Hon. Kirima:** Hon. Temporary Deputy Speaker, I stand to support this Motion on the Equalisation Fund. Article 204 of the Constitution does not specify which counties are supposed to benefit from this Equalisation Fund. It talks of areas where there are no roads, no adequate water, no health facilities and those kinds of things which are called basic amenities. In this Equalisation Fund, there are some areas in Kenya which were not considered at all when the 14 counties were being mentioned.

If you come to my constituency in Kiarago Ward, you will see that the place has no water, road, school or hospitals. The place is really marginalised and even when it comes to climatic conditions, the place is quite dry. Most of the times, people rely on relief food to survive. If a place like that cannot be referred to as a marginalised place, I wonder which other places can be called marginalised. To be a pastoralist does not mean that you are marginalised. Come and see Kajiado. If one goes to Kajiado, it is said that they have a railway line. Just last season, the place was so dry in a way that cows and human beings were dying. The place was not considered as a marginalised place. So, this idea of marginalised places must be reviewed in order to tell which place is really marginalised. You go to a constituency and find that only a section is rich, but the other sections are very poor.

So, I support this Motion but there must be an amendment as was proposed by the Chairman of the Budget and Appropriations Committee.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Members! Can the Member for Central Imenti be listened to? You will be heard.

**Hon. Kirima:** As it was stated by the Chairman of the Budget and Appropriations Committee, an amendment is required. When you go to Machakos, you find that some places are very dry. I was there just the other day. It has been raining, but that place has never benefited even from this rain which has been in Meru.

I support this Motion but we must consider looking at relevant places which are really marginalised and not necessarily out of the location where they are. If you go Garissa, which is among the 14 counties that have been listed as marginalised, you will find that Garissa Town is richer than Meru.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, Hon. Kirima Nguchine. Hon. Members, allow me also to just remind Members that we are on the Report and we still have the Equalisation Fund Bill in the Second Reading on the Order Paper. So, Hon. Members, I must appreciate we have 34 requests from Members who want to speak to this. You can still speak to this when we go to the Bill during the Second Reading. Hon. Members, I must remind you we are on the Report.

Next on my request list is the Member for Kilifi North, Hon. Baya Yaa.

**Hon. (Dr.) Pukose:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is a point of order from Hon. Pukose, Member for Endebess.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, without prejudicing my colleague's contribution, in view of what you have just advised from the Chair that we are discussing a Report on the Equalisation Fund, and from there we will move to the Second Reading of the Equalisation Fund Bill, which will still be the same thing, will I be in order to ask that the Mover be called upon to reply? The Member can begin in the next Order, so that we make progress.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You are right, but let the Member just finish because I had already given him the Floor.

**Hon. Baya:** Thank you, Hon. Temporary Deputy Speaker. Marginalisation is very historic and systemic. Marginalisation in this country has been very deliberate for many years.

Therefore, the framers of the Constitution, in Article 204, wanted to cure this marginalisation having learnt from the history of this country that for many years, resources were going to one end and leaving other ends bare. That is why they said in Article 204 that there shall be an Equalisation Fund.

I congratulate the Chairman of the Budget and Appropriations Committee for ensuring that this money is unlocked so as to come back to the people. He says that he would want his Kikuyu Constituency to be included as part of the marginalised communities. This further perpetuates marginalisation. Therefore, those counties that have been identified as marginalised will resist any attempt or move to sneak in other counties into the list of the 14.

The Equalisation Fund is meant to take care of water, health, electricity and roads in 14 counties. But for the eight years that this Constitution has been in place, this money has not been released despite the fact that the money was appropriated. I remember when the Cabinet Secretary for the National Treasury visited my county, which is one of the 14 marginalised counties, we brought everybody and people were excited about the Equalisation Fund. It just ended there. There was just a meeting that identified projects, money was set aside, but nothing was implemented. It is very sad to note that the Committee in charge of the Equalisation Fund has spent over Kshs400 million just sitting in the office and drinking tea. The people of Kilifi, where I come from, have been very optimistic that this Constitution would cure diseases and many things that for many years have afflicted them. But, you find that they are despairing. The Constitution they had high hopes for has become an empty promise. The Equalisation Fund, devolution and investigations into historical injustices are probably the only reasons the people of Kilifi voted for the new Constitution.

There are only 12 years left for us to implement the Equalisation Fund. The framers of the Constitution were very clear that within 20 years, those counties that were historically and systematically marginalised will be at par with those that have benefitted from the system for many years. Today, people are still languishing in poverty. They do not have electricity, water, health facilities and roads. Suffice to say that when the President talks about the Big Four Agenda, he now has a bigger burden to implement it. Had the Equalisation Fund been implemented, we would probably not be allocating more money to it. The President talks about health and water, which are the same things that the Equalisation Fund talked about in Article 204. Today, we are formulating a new policy to cure the same things that the framers of the Constitution thought the Equalisation Fund, under Article 204, would cure. This is retrogressive thinking. We put money in the Constitution to take care of some things and the technocrats do not implement it. It takes the President to say that we need a new policy and vision called the Big Four Agenda, which was thought about by the framers of the Constitution.

As I finish, the Committee – and I have seen the able leadership of my friend, Hon. Kimani Ichung’wah - should press even harder. They should carry a big stick to the National Treasury and whip the people to do what every Kenyan in the marginalised communities expects. They expect delivery of services that have been promised and enshrined in the Constitution. He will have done great justice. Probably after this term, he may retire smiling because he will have done something great for this country.

I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, we will go back to the request by Hon. Pukose. He stood on a point of order on the basis of Standing Order No.95 that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply,  
put and agreed to)*

**Hon. Ichung’wah:** Thank you, Hon. Temporary Deputy Speaker. I do not want to take a lot of time. I would just like to thank the Members who have contributed to that Report. As Hon. Pukose has rightly stated, we still have the next Order after the First Reading of this Bill. So, Members still have an opportunity to contribute on that. I would also like to remind those who have benefitted from this Fund that we still have the Third Reading to get to. I ask the Members to be a little bit more patient.

I will not take a lot of time in replying. I would just like to thank all the Members who have contributed to the Report and supported it. I had mentioned that there is something that I forgot when I was making my contribution and moving the Motion on this Report. What I had forgotten is....

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order Members. This is a special request. If the Members who are moving out could hold on a bit for the reason that you are all aware of, I would really appreciate it.

**Hon. Ichung’wah:** Thank you, Hon. Temporary Deputy Speaker. There is a Member who is walking out. I beg that we just hold on for obvious reasons.

The only thing that I had forgotten when I was moving this Motion is on the allocation and appropriation of those funds. Questions have been raised on how much has been allocated to the Equalisation Fund. As at the end of this financial year, we would have allocated about Kshs24 billion but only Kshs11.9 billion has been appropriated so far. Therefore, it is incumbent on this House to continue impressing on the National Treasury to appropriate more funds through this Fund, so that Kenyans can benefit.

In the interest of time, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order Members. I confirm that we have the requisite numbers for me to put the Question on the Report.

*(Question put and agreed to)*

Let us move to the next Order.

## BILLS

*First Reading*

THE EQUALISATION FUND APPROPRIATION BILL

*(Order for First Reading read – Read the First Time –  
Ordered to be read the Second Time today by leave of the House)*

*Second Reading*

THE EQUALISATION FUND APPROPRIATION BILL

*(By leave of the House)*

**Hon. Ichung’wah:** Hon. Temporary Deputy Speaker, I beg to move that the Equalisation Fund Appropriation Bill (National Assembly Bill No.16 of 2018) be now read a Second Time.

Since I had said much as I moved the Motion on the Report, I do not want to repeat myself. It is important to just mention one more thing before I ask Hon. Naisula Lesuuda to second. There have been questions, as you heard in the contributions of Members, on the office of the administrator. The Leader of the Majority Party spoke about the physical location of the office of the administrator of this Fund and the accountability of this office in terms of what they are doing with the Fund. As we mentioned, this is money that has already been expended because we are talking about money that we had appropriated in the last financial year.

The Equalisation Fund is managed by people who are employed by the Government. I want to assure the House that the Budget and Appropriations Committee is seized of this matter. We have been interacting with the National Treasury to not just know the physical location of the administrator of the Equalisation Fund, but to know what exactly the money that is appropriated for Recurrent Expenditure is utilised for. If Kshs400 billion was used to construct a dam in Marsabit or Moyale, it would change the lives of the people living there in a much better way than spending it in big offices in Nairobi on flowers and very expensive cups of tea.

I want to assure the House that our Committee is seized of this matter. We will hold to account the people who are charged with the responsibility of administering the Equalisation Fund to ensure that even the money that has been set aside for Recurrent Expenditure is accounted for. You can imagine that the CRA still comes back to this House to get funds. For instance, the administrator of the Equalisation Fund should fund the CRA or the activities geared towards the development of the marginalisation policy other than re-appropriating more money to the constitutional commission for that work.

With those few remarks, I beg to move and ask our able Member from Samburu, who is a major beneficiary of this Fund, to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Member for Samburu West, Hon. Lesuuda.

**Hon. (Ms.) Lesuuda:** Thank you very much, Hon. Temporary Deputy Speaker. I rise to second the Equalisation Fund Appropriation Bill, 2018.

Having listened to many Members in this House as well as during the proceedings of the Budget and Appropriations Committee, it is clear that anything to do with resources in our country is such an emotive issue, especially when we talk about money. The issue of the Equalisation Fund is very clear. If you think about areas which have been marginalised for a long time, they come up on top of your mind. It is important to agree that there are pockets of other counties that have been marginalised for one reason or another. However, there are counties which have been marginalised in totality, not just one location or sub-location. There are counties where all their three, four or six constituencies have been marginalised. That is different from a situation where we have to look for a small marginalised location somewhere within a constituency to ensure that such constituency benefits from the Equalisation Fund.

Secondly, the CRA is coming up with a new policy yet we have not received a single shilling from this Fund. They should at least give us the first bunch, which we are now appropriating. I agree that it needs to be reinforced, so that we do not have to keep on coming here. I was very happy because I thought this was another allocation from the first one. Apparently, it is just re-routing it to make sure that we use this money, which means it is the first allocation that we have to keep on appropriating. The National Treasury always employs

delaying tactics when it comes to appropriation of money meant for the Equalisation Fund. They have now brought this Bill again so that we can pass it. Within two months, before we go through the procurement process and everything else, time will lapse again. It is likely we will bring this Bill back to this House. It is important that we secure this Fund, just like the NG-CDF, to ensure that whether the year begins or ends, the amount allocated to the 14 counties remains intact.

We are introducing a new policy. For example, in my county, and especially in my constituency, we took only one major project, which is a dam. It will supply water to the entire Maralal Town and will cost about Ksh1 billion. We are now getting Ksh226 million. What happens in the next financial year, if we change to include sub-locations? Where will we get the rest of the money? If we continue like this, it means we will have incomplete mega projects. We have to complete the projects in the counties as they have been proposed by the leadership of those counties. Article 204(7) of the Constitution is very clear. After 20 years, if this House wishes to extend that period, it will have the opportunity to do so. Please, wait for the current period to end. You will then extend it and add sub-locations and locations in the list of benefiting entities. For now, the 20 years are for the 14 counties.

(Applause)

I also want to say something about the mega projects. I would like to encourage our counties to have intercounty projects, even if it is in education. This can be done in the counties that are close to each other, most of which have been having ethnic conflicts. To bring peace, let us construct schools between our counties so that our children can go to school together. We can continue to build that synergy and live harmoniously in our counties. Let us build a mega dam somewhere and share that water, so that we can continue to promote peace in our counties. This is one of the major issues that have made these counties to lag behind. The projects that we put across should enhance harmony and peace in our counties.

I want to say something off-the-cuff. When we talk about the Constitution and what we support, like the Equalisation Fund, we insist that it is in the Constitution.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Lesuuda, it cannot be-off-the cuff because you are on record.

**Hon. (Ms.) Lesuuda:** Thank you. I meant something that does not concern the Equalisation Fund. I will implore on our male colleagues that we are saying that the Equalisation Fund is in the Constitution, but even the two-thirds gender rule is in the Constitution. When we discuss it, it is not for the sake of discussing it. I will not leave it. We are very passionate about the Equalisation Fund because it is in the Constitution. We keep on referring to the fact that it is in the Constitution. We push for the implementation of the two-thirds gender rule because you passed it in the Constitution. So, we have to realise it. I will mention it to the Members every time I get an opportunity to do so.

I want to allow my colleagues to contribute to this Bill. I thought the whole essence of providing for Principal Secretaries and other Government officials to sit in management boards was to cut on costs because they would be continuing with the work they do. Otherwise, we should have board members and other people. We have people who already work for the Government to make sure that we minimise Recurrent Expenditure and put more of the funds in development.

With those remarks, I second the Bill.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Junet.

**Hon. Nuh:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. I support it.

Devolution in its current form and shape was meant to cure marginalisation. I do not think the Equalisation Fund will finish marginalisation in our country. We look like people who are chasing a squirrel and we have forgotten the antelope. The money that is supposed to finish marginalisation in our country is that which has been devolved to the various counties. From the debate, Members are saying that the Equalisation Fund is the one that will finish marginalisation in this country. Marginalisation is all over the country. Even where I come from, there are areas that are marginalised, but I have not seen them in the list. There are places in Nyatike Constituency called Osiri and Macalder, where people are very poor. When it floods, they have to be taken elsewhere to seek shelter.

Hon. Temporary Deputy Speaker, the Chairman of the Committee has brought a Bill taking into account only 14 counties. The number of counties must be increased. The Equalisation Fund must be taken to the rest of the country. Some of these counties that claim to be marginalised like Turkana, receive more devolved funds than other counties in the country. They now have oil and underground water that can serve the whole of the African continent. So, as much as we support the Fund to be a kind of affirmative action to bring up communities that have been left behind for many years, I want our focus to be more on the devolved funds; money that has been sent to the counties to develop them.

I do not know who is going to administer the Fund. I am told an unknown office somewhere will be in charge. That is the way Government steals money from the people. This money, if my opinion were to be sought, should have been taken to constituencies in those counties like the NG-CDF. The NG-CDF is doing a good job. Without it, this country would not develop. I dare say that. Look at what has happened to devolved funds in counties.

In releasing this Fund, we have not followed the Constitution for the last three years. The money should have started going to counties or communities that were supposed to receive it three years ago. The Budget and Appropriations Committee of the 11<sup>th</sup> Parliament, in which I served, slept on its job. I congratulate the current Chairman of the Budget and Appropriations Committee. Even though he is trying to squeeze Kiambu to be a marginalised place, he has tried and made progress to the extent that today we can discuss the Equalisation Fund Appropriation Bill. But I do not know where in Kiambu people are marginalised. It is only jiggers that are killing people and that is not marginalisation. That is an unhealthy way of living.

*(Laughter)*

That is more of lack of hygiene than marginalisation. I am now told Ahadi Trust is doing a good job. There are many shoes being given for free and people are being taken care of. It is raining every day. I am sure this is happening in Murang'a. I stand corrected. It is the same because they are neighbours.

I stand to support the Bill because the money is held here in Nairobi and we do not know what it does. It is our responsibility, as Parliament, to make sure that as much money as possible is devolved to the counties. Even if there is corruption, let it happen at the devolved unit instead

of people sharing billion of shillings here in Nairobi while Kenyans are suffering, languishing in poverty in the constituencies and counties. It is our responsibility, as Parliament, to make sure that as much money as possible is devolved.

I heard the last speaker say that even the two thirds gender rule is part of marginalisation. I support it, but the problem is... let me not say it because I may be held responsible for it. But we must implement all constitutional provisions as per the Constitution. If we are supposed to implement the two thirds gender rule, we must do it and if we are supposed to implement the Equalisation Fund, we must do it. I want more women to come to Parliament. That is the only way Kenya will have major development. We cannot have women outside decision-making organisations like Parliament and expect the country to develop. I am looking forward to the time and period in this country when Parliament is going to have more female Members than male Members. I will be the happiest Kenyan because I will run for president and they will support me.

To finish my contribution, this Fund is important. I want a proper audit to be conducted after it is devolved. We have a problem in the country where funds are devolved, but there is no proper accounting for it. Look at what is happening to devolution. Serious looting is taking place. I have never seen serious looting of that nature anywhere in the world.

With those few remarks, I support and give a chance to my colleagues to contribute. Give a chance to Hon. Millie. There is a marginalised area in her constituency called Lambwe, where tsetse flies bite people. The Fund must be allocated to that area.

**The Temporary Deputy Speaker (Hon. (Ms.) Mbalu):** Do not purport to speak for Hon. Millie. Hon. Millie Odhiambo has a voice that can be heard in this House. She is a senior Member and represents a very different constituency from yours. Madam Commissioner, Member for Taita Taveta.

**Hon. (Dr.) Shaban:** Thank you, Hon. Temporary Deputy Speaker. First and foremost, the Equalisation Fund Appropriation Bill should have been brought here earlier in the financial year. The Equalisation Fund means exactly that; to equalise development in this country. Most of the counties that have been mentioned here get very little funds as county governments. This is money which is meant to bring development to these areas. From the time the Constitution was promulgated, if you calculate, it is between seven to eight financial years yet today, we are still discussing the same amount of money that we discussed last year. The money never left the National Treasury for the counties. When the Commission on Revenue Allocation made the first policy, they said it must be reviewed after three years. This first policy the CRA came up with has not yet been implemented in one financial year. We are discussing change of policy without looking at what was in the policy in the first place.

The 14 counties meant to benefit from the Equalisation Fund have not received the money. This, maybe, will be the first time they will receive it. The money was meant to be Kshs24 billion as per the calculation according to the Constitution. If this money has not left the National Treasury and it has not been implemented, why is the policy being changed now? I agree that there are pockets of some areas in some counties where there are difficulties. For example, Ndeiya Division in Kiambu County is one of the ASAL areas. They have issues, but when you look at it, even the funds which have been given to county governments are much more. Within the money that goes to that area, there is a quota that is allocated towards population, yet this is not money being delivered to people's doors to get food on the table. This money is meant for development as devolved funds. It is money meant for paying the Recurrent

Expenditure, but that pocket in Kiambu which has a problem cannot be dealt with in the devolved unit.

When we look at the way we have spread the money, as the Chairman of the Budget and Appropriations Committee has suggested, a lot of money should be put in one project, but when we add many sub-locations to this list, it will be thinly spread. They will look at it from the point of view of which sub-location has been marginalised in the pocket areas and how much money should go to that area. If we are going to be given between Kshs2 million and Kshs3 million, how is it going to change the lives of the people? How is it going to change the development of those areas? I insist that if we were to count anything about implementation, this would be the first financial year if the money reaches there. We are already in May which is almost at the end of this financial year. This money can only be used in the next financial year. I agree with my colleagues who have said that this money should be ring-fenced the way we have ring-fenced NG-CDF so that money which was not utilised in this financial year should continue to be used in the areas where it was meant to be utilised. Isiolo, Lamu and other areas which have been mentioned get little money from development funds. Money for development is hardly Kshs1 billion. Since the money for development in the whole county is hardly Kshs1 billion, and the areas to be developed are so extensive and huge, one would see the reason for the implementation to take place in three financial years before we can review this policy. The areas which are being looked at are water, roads, health and energy.

I beg to support the passage of this Equalisation Fund Appropriation Bill. At the same time, we are asking the CRA to bring whatever policy they are discussing so that we can discuss it here and make it useful to Kenyans.

I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Ibrahim Abdisalan, Member for Wajir North.

**Hon. Ibrahim Ahmed:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. From the outset, let me be very clear that this Fund was established under Article 204 of the Constitution. There was no reason for the National Treasury to delay the implementation of this Fund. Like any other fund, we expected to have implementation of these funds very fast. This Fund is meant to improve and upscale vital issues like water, electricity, health and others.

The identification of 14 counties was done based on certain existing criteria. The CRA was cognisant of the fact that there was a devolved fund. Mandera is one of the counties receiving good allocation in terms of devolution. It is one of the most marginalised counties in this country. Indeed, the maternal mortality rate of Mandera County is higher than any other county in this country. It is even higher than the war-torn country of Somalia. That gives you an indication why the CRA identified the 14 most vulnerable counties to benefit from this Fund. It is unfortunate that the CRA wants to go for the second tranche yet eight years down the line, the required activities under the Equalisation Fund have not been carried out.

The idea of bringing more counties on board is uncalled for at this juncture. The Constitution was promulgated in 2010. Eight years down the line, projects under the Equalisation Fund have not been implemented. The National Treasury and the CRA have been dragging their feet since the establishment of this Fund making already marginalised communities more marginalised. The conflict you realise in most arid and semi-arid counties is as a result of lack of these services. For example, pastoral communities fight over water. If these funds were

implemented timely, then, this conflict would have reduced and access to schools would have been up-scaled.

It is unfair to these 14 counties for the CRA to go back and tell us that they are bringing more counties on board. I am cognisant of the fact that Article 216(4) obligates the CRA to identify counties in terms of marginalisation, but then, what have they done in regard to the first 14 identified counties? Nothing! Yet you want to tell us that you are bringing another tranche on board. That is a joke.

Unfortunately, the line ministries, under which these projects are located, have been very slow in implementing the projects. It is unfortunate that the funds allocated last year have not been implemented. Indeed, we must come up with a list of shame of the ministries where funds were allocated but have been slow in implementing because of bureaucracies in terms of procurement. As such, implementation is slow. The earlier we move to do this, the better.

My request is that we first support the 14 counties so as to bring them at par with other counties before we go back to the drawing board and come up with unnecessary criteria for increasing the number. If you look at the poverty level of this country, the earlier identified counties are the most vulnerable in terms of poverty ranking. That is one of the reasons why they were identified. The issue of bringing the already devolved counties on board, for me, is the joke of the year.

I again support this Motion without any amendment to ensure that implementation of projects for the 14 counties is done. The CRA and the National Treasury must stop dragging their feet.

*(Loud consultations)*

**The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Members!**

**Hon. Ibrahim Ahmed:** In a nutshell, the National Treasury and the CRA must stop dragging their feet and execute their constitutional mandate of implementing projects under the Equalisation Fund. The aspect of identifying other sets of criteria to increase the number of counties for political reasons is uncalled for and misplaced. We should be allowed to execute our first mandate of supporting these counties.

Thank you.

**The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Millie Odhiambo.**

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. From the outset, I support this Motion. I have heard Members referring clearly to the Constitution and urging the CRA that even as they are giving this allocation, they focus on the 14 counties and follow the Constitution. If you want to follow the Constitution, then we look at Article 204. I do not want to concentrate too much on that Article because it sets the Equalisation Fund. I want to go to the definition of “marginalisation”. The Constitution defines marginalised community and marginalised group. Many of us are misreading the Constitution when we only read a part of it that describes populations.

Hon. Temporary Deputy Speaker, Article 260, which is the interpretation of the Constitution says the following:

“marginalised community” means—

(a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;

(b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole..."

We are talking about the minority communities. Maybe I would put the Maasai there.

"(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or

(d) pastoral persons and communities, whether they are—

(i) nomadic; or

(ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

When we pick the 14 counties, something which is not constitutional, we are further marginalising areas that have been marginalised.

I sat in the Parliamentary Select Committee and so, I have the legislative history. I know that when we are discussing this, Hon. Uhuru Kenyatta, who is the President of the country and Martha Karua, understand it. When we came to this, and I was complaining about areas in my constituency called Remba Island, Ringiti Island, Sikri Island and Sukru Island, they told us that when the Katiba passes, they were going to... The Member was there, he can prove this. I remember the President telling us at that time that when the Bill passes, we will get boats if boats were what we had. As we speak, several years after the Constitution, there are no boats to Remba and Ringiti islands. The first ever school that was built in Sikri Island since the advent of man on earth was done by me. The school has only one class. Hopefully, I am going to do many other classes. I do not know what you can consider marginalisation if in this era and time, we still have islands without schools. If I go to Mfangano Island, on the plateau, I remember some people saying "why are you not wearing a helmet." One day, I posted a photo of me travelling through the plateau on a motorbike. Those are luxuries that people in Nairobi can talk about. In my area, even affording that motorbike is a luxury. I think Members need to visit each other's constituencies so that we understand what marginalisation is. When I go up the plateau, I walk for more than one hour. There are areas you cannot reach even with a motorbike. I went to a place called Mawanga Beach Primary School and they do not have even a class. The teacher stays in the staff room, which is also his house. It is class one, two and three in one school. Why? Because even the money I am given from the NG-CDF is not enough to deal with the classrooms that I have in Mbita Constituency, which is now Suba North Constituency.

I support the areas that are marginalised like Mandera and Garissa. But we must take into cognisance that there are other areas in the country that have also been marginalised, like my constituency. Unless we are talking about issues that are pertinent and touch our lives, we do not want to go the wrong way. I have just come back from Rwanda and Germany. I said at the funeral service of my good friend and colleague, Hon. Grace Kipchoim, that I want to thank this country. I thank even the President for what he talked about yesterday, namely, the 'handshake' and the apology that he gave to this country. But unless we are genuine and honest, as a leadership, and address the issues that touch this country, we will one day go the Rwanda way. Let us stop playing politics with this country. Let us be genuine about the things that touch Kenya. Many people have been asking me why I am quiet. When you see me quiet, it is because there are things that are touching me at a very personal level.

I am a politician, yes, but, I am also a human being. I am a woman. I am human.

**Hon. A.B. Duale:** On a point of order.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Millie, just a moment. There is an intervention by the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Millie said that there are some things which have touched her that make her go quiet for some time. Can she have the pleasure of sharing with this House so that we can help her in those issues that have touched her?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order. As long as the issues are not legislative, Leader of the Majority Party, you can meet Hon. Millie outside and she can explain to you. That is if they are not legislative. If they are legislative, she can say them if she wants to share them.

**Hon. (Ms.) Odhiambo-Mabona:** I do not have a problem sharing. I have my own personal things which are not the ones that I had. I have a brother who is sick, but that is not what is touching me. What is touching me is when I remember a little boy who was shot dead in this country. What touches me is when I remember people who were shot dead in front of me in this country.

*(Hon. (Ms.) Odhiambo-Mabona broke down)*

If we do not take action as a country, we are going to take this country to a wrong direction.

If the Leader of the Majority Party has asked me what has made me quiet, that is it. As a country, we need to be serious. Let us stop playing politics. If there are issues of equalisation that are making people feel bad in this country, we must address them. We cannot be coming here after every cycle of five years and saying: "People died. Let us get on. Let us move on". We are tired of talking about moving on. We must address the issues affecting this country and play the politics my friend, Hon. Grace Kipchoim, played. When I first met her, it was at a platform of the Orange Democratic Party (ODM). She came as a Member of the United Republican Party (URP). She campaigned on the same platform with us in Baringo South. Why can we not do that kind of politics in this country?

I am tired as Millie Odhiambo, maybe not as the Member of Parliament for Mbita, but as a human being. Who is Millie Odhiambo? I am tired of seeing people dying in this country.

Thank you, Hon. Temporary Deputy Speaker.

*(Applause)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Very well. Thank you, Leader of the Majority Party. I am sure you are now comfortable. Hon. Millie Odhiambo, we are grateful for that.

*(Hon. (Dr.) Pukose and Hon. Kipyegon consulted loudly)*

Order, these two Members! I do not know what is happening. Hon. Pukose and the other Member - I do not want to use the name.

**Hon. (Dr.) Pukose:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Pukose, you were not to speak. I was just concerned because today....

**Hon. Kipyegon:** On a point of order.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You do not shout to raise a point of order. There is a way and procedure, unless your neighbour there is helping you. Just give Hon. Pukose a chance.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, listening to the emotions raised by Hon. Millie Odhiambo and other contributions which Members have made, all of us are supporting this Bill. We know many of the people seated here are from marginalised areas. I am standing under Standing Order No.95. We still have the Committee of the whole House to go in order to appropriate this money. When we debate, we will be doing so in futility if we cannot pass this money and go on recess today.

(Applause)

We will be going on recess for a whole month after debating this Bill, saying all the good points and then going away without sorting it out. As you can see, we might run out of quorum. So, I request the indulgence of the Chair and the Members. Let us go to the Committee of the whole House and finish. Let us ask the Mover to reply.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Pukose, you are procedural on Standing Order No.95. Of course, I did not know what you were trying to raise. Allow me, at my discretion, to give just one more person a chance, who has been on the request list to contribute, as Members make their decision. Member from Taita Taveta.

**Hon. Mwakuwona:** Thank you, Hon. Temporary Deputy Speaker. With your indulgence, I am getting an opportunity to speak on this touchy Motion on equalisation. I have been sitting here for quite long - the whole afternoon - waiting for this opportunity. I am very proud Member of the Budget and Appropriations Committee this afternoon. We are able to discuss matters that are very close to the hearts of the residents of the 14 counties.

Because of time, I will want to shorten my contribution on this matter. Many Members feel that we must have quorum to pass this appropriation Bill on equalisation. It is so important to the 14 counties. That is why, if you look across this House this afternoon, majority of us who have been sitting here are Members from the 14 counties. I have clearly heard how Members who do not come from the 14 counties have been talking. I have heard my sister, Hon. Millie Odhiambo, passionately appealing to the House to look at marginalised pockets in areas that were not initially covered. This is one thing that as a country we must be serious on.

(*Hon. Ng'eno consulted with Hon. A.B. Duale*)

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Ng'eno, I was just about to use my discretion to allow you to contribute because this is your second term, but now you are getting out of order. Do not shout to the Leader of the Majority Party. If you have to consult, go closer to him. Hon. Member, carry on.

**Hon. Mwakuwona:** The drafters of this Constitution, in Article 204, had counties that were truly marginalised in mind. We cannot sit in this House, this afternoon, and pretend we do not understand or appreciate marginalisation in this country. There are areas in this country that for many years since Independence have not enjoyed the national cake because of one thing, namely, centralisation. I want to concur with the Leader of the Majority Party when he talks about centralisation. These are issues around centralisation. Before the new Constitution, some

of these counties could not benefit at all from the centrality or Nairobi at that time. That is why we are saying that the drafters of the Constitution created an Article that will bring these counties at par with the rest of the country. That is why it really hurts.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, I just gave you five minutes. Finish up. Hon. Pukose was on a point of order.

**Hon. Mwakuwona:** Two things I would like to say before I end my contribution is first, 20 years is the period mentioned in the Constitution. That was the period the Equalisation Fund is to be with us for. It will be so naïve of this House to trash a policy that was drafted in February 2013 by one Kenyan, Mr. Micah Cheserem, who is renown as the Chairman of the CRA and in his wisdom came up with these 14 counties. We cannot, therefore, imagine and pretend that we do not know that Taita Taveta, Lamu, Turkana and North Eastern counties are marginalised. We should not sit here today and imagine that we need to bring in Kiambu, Mbita and others. Yesterday, the President gave a very good Speech when he talked about handshakes. The other counties need to extend the hand of friendship to the 14 counties because we have been marginalised in this country for many years. In my county, we only have two kilometres of road, yet this afternoon I am hearing Members talking of sub-locations that are in some counties that we all know are privileged. We must be serious as a country. We must choose to mend fences so that the counties that are mentioned in the first policy continue for the next 20 years, if we are to achieve any meaningful reconciliation in this country.

Thank you, Hon. Temporary Deputy Speaker.

(Applause)

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, Hon. Member. Following the request by Hon. Pukose, the House will take a vote under Standing Order No.95. I am aware Hon. Pukose and Hon. Ng'eno are not in good terms now because Hon. Ng'eno wanted to contribute. The Speaker has no choice, but to put the Question.

(Question, that the Mover be called upon  
to reply, put and agreed to)

**Hon. Ichung'wah:** Thank you, Hon. Temporary Deputy Speaker. For the sake of the Members who have not been able to contribute, I beg to reply.

It is important to let Members know that in the next Order of business after the Committee of the whole House, they can still talk about the Equalisation Fund as they debate the Presidential Speech. Therefore, debate on this has not been curtailed.

I beg to reply.

(Hon. Kipyegon walked inside the Chamber)

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Ng'eno.

**Hon. Kipyegon:** I am ordered.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I must remind you that when the Speaker is up standing, you freeze.

(Question put and agreed to)

**The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next Order!**

**COMMITTEE OF THE WHOLE HOUSE**

*[The Temporary Deputy Speaker (Hon. (Ms.) Mbalu) left the Chair]*

IN THE COMMITTEE

*(The Temporary Deputy Chairlady (Hon. (Ms.) Mbalu) took the Chair)*

THE SUPPLEMENTARY APPROPRIATION (NO.2) BILL

*(Clauses 2, 3, 4 and 5 agreed to)*

*First Schedule*

**Hon. Ichung'wah:** Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the First Schedule of the Bill be amended –

(a) In the Vote No.R1063 relating to service No.0508000 on General Administration, Planning and Support Services by deleting the figure Kshs2,030,176,597 appearing in the third column of the Schedule and substituting therefor the figure Kshs530,176,597;

(b) By effecting the consequential amendment to the relevant Schedules and the total sum approved accordingly.

Basically, we are just reducing the money that had been appropriated for Ruaraka land. In part (b), we are just effecting the consequential amendment to the relevant schedules and the total sum approved accordingly.

*(Question of the amendment proposed)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, this House is making it very clear that it will not be a rubber stamp and it cannot sanitise a payment that has a lot of issues. This afternoon, the House is telling the Cabinet Secretary in charge of the National Treasury that under Article 223, you paid Kshs1.5 billion to some crooks and until the Departmental Committee on Lands finishes its investigation, that amount of money remains an illegality in the Budget and Appropriations Committee. We want to ensure that no money will be appropriated illegally particularly when the House is aware that that money has certain issues. We are, therefore, waiting for the Chair of the Departmental Committee on Lands to bring a report.

**The Temporary Deputy Speaker (Hon. (Ms.) Mbalu):** I see no other comments to this amendment.

*(Question, that the words to be left out be left out,*

*(put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(First Schedule as amended agreed to)*

*(Second Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Mbalu): Hon. Members, there was an amendment to that Bill. I request the Mover to move reporting.

**Hon. Ichung'wah:** Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.15 of 2018) and its approval thereof with amendments.

*(Question put and agreed to)*

#### THE EQUALISATION FUND APPROPRIATION BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Mbalu): Hon. Members, we will proceed with the Equalisation Fund Appropriation Bill (National Assembly Bill No.16 of 2018).

*(Clauses 2, 3 and 4 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Mbalu): Let us have the Mover to move reporting.

**Hon. Ichung'wah:** Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Equalisation Fund Appropriation Bill (National Assembly Bill No.16 of 2018) and its approval thereof without amendment.

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Tuya) in the Chair]*

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): Leader of the Majority Party, we bowed while you were making some side comments. I now call upon the Chairperson of the Committee of the whole House to report.

## REPORTS AND THIRD READINGS

### THE SUPPLEMENTARY APPROPRIATION (No.2) BILL, 2018

**Hon. (Ms.) Mbalu:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.15 of 2018) and approved the same with amendments.

**Hon. Ichung'wah:** Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. Sarah Korere to second.

**Hon. (Ms.) Korere:** I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): I call upon the Mover to move the Third Reading. Hon. Ichung'wah.

**Hon. Ichung'wah:** Hon. Temporary Deputy Speaker, I beg to move that the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.15 of 2018) be now read a Third Time. I request Hon. Kenta, the Member for Narok North, to second.

**Hon. ole Kenta:** Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): Hon. Members, I move on to put the Question. I confirm that we have the requisite quorum.

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

### THE EQUALISATION FUND APPROPRIATION BILL

**The Temporary Deputy Speaker** (Hon. (Ms) Tuya): Let us have the Chairperson report to the House.

**Hon. (Ms.) Mbalu:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Equalisation Fund Appropriation Bill (National Assembly Bill No. 16 of 2018) and approved the same without amendments.

**Hon. Ichung'wah:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said report. I also request Hon. (Dr.) Pukose to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, although I am not a beneficiary and my colleagues are benefitting, I second.

*(Laughter)*

**The Temporary Deputy Speaker (Hon. (Ms) Tuya):** You are a benevolent seconder.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Ichung'wah:** Hon. Temporary Deputy Speaker, I beg to move that the Equalisation Fund Appropriation Bill (National Assembly Bill No. 16 of 2018) be now read the Third Time. I also request Hon. Kioni, Member for Ndaragwa, to second.

**Hon. Kioni:** I am seconding but they left out Ndaragwa which needed to be part of this. Without Ndaragwa, I do not see its fairness, but I second.

*(Laughter)*

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Wednesday, 2<sup>nd</sup> May 2018 and further, notes the following Reports submitted by the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the House on Thursday, 3<sup>rd</sup> May 2018:

- (a) Report on the Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance;
- (b) Report on the Progress made in fulfillment of the International Obligations of the Republic; and,
- (c) The Annual Report to Parliament on the State of National Security.

*(Hon. A.B. Duale on 3.5.2018)*

*(Resumption of Debate interrupted on 3.5.2018 – Morning Sitting)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): We are resuming debate that had already begun. Order, Members, anyone exiting should do so quietly. Let us start with the Member for Kinangop. Hon. Thuku Kwenya.

**Hon. Thuku:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the President's State of the Nation Address. At the outset, I was pleased with the Address. The message that he sent across the country is that now we have reconciled and it is back to business, planning and doing what we were elected to do as Members of this House. I applaud the unity that he exhibited yesterday by briefing the House on how he met the Right Hon. Raila Odinga, who played a big role in the democratisation process of this country.

This is a lesson to all of us that in as much as we are campaigning and doing all sort of things as we seek for votes from the divides that we stand for, we should be careful about tomorrow because those battles do not last.

At times the damage is irreparable because during electioneering period, there are so many people who lost their property and lives. Going forward as a country, we should engage in campaign and talk that brings the country together. Cohesive politics is going to keep us together.

Talking about development and the achievement of the Government, I applaud the Jubilee administration for what they have done in the past one year, despite the fact that there was a lot of politics. We achieved significant growth in terms of our Gross Domestic Product (GDP). That tells us that going forward, if we can do this with the kind of hot politics that we have and if we pull together, we can do a two digit growth of our economy and that is possible.

Therefore, I support the Address and urge my colleagues on the need to pull together to achieve the Big Four Agenda plan that the President has. That is what we are going to be counted for. Not the many insults that we throw at each other, the hatred or the sideshows. It how well we are going to address the issue of health, manufacturing, affordable housing and food security. I come from a constituency whose economic activity is farming. We have much food that goes to waste because of poor roads and I thank the Members who have contributed on the Equalisation Fund.

As much as we are not beneficiaries, there are so many areas that are marginalised and their produce goes to waste because there are no roads and the infrastructure is not well done. Coming from a constituency such as Kinangop where a lot of food goes to waste while counties such as Turkana go without food, that is a paradox that needs to be addressed. If we do not do that, we are going to be a wasteful nation with limited resources. We will be wasteful in some parts of the country.

Therefore, I support the President's remarks that we have a responsibility as a House to

legislate and come up with the best laws devoid of our selfish interests. We want to pull everything to ourselves and forget other parts of the nation. If we pull together with a common objective, we will alleviate poverty and everybody will be within, at least, a middle level income bracket. That is what we would call an achievement.

I want to support and was impressed with the Presidential Address. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): Very well. Let us have Hon. Lomorukai, Ekamais. He is not in the House. Let us have Sara Korere.

**Hon. (Ms.) Korere:** Thank you, Hon. Temporary Deputy Speaker. I congratulate our President for the State of the Nation Address yesterday. Kenyans were watching. They were waiting to hear big issues from the President which unfortunately were not forthcoming. That notwithstanding, the calm that has been experienced in this country for the last few months since the famous handshake is something to talk about.

I listened keenly to our President yesterday when he spoke on the issue of corruption. Corruption is a dragon, a disease and virus which is threatening to nullify the gains made in this country through devolution, handshakes, leg shakes and others. From where I sit, unless we stop talking about corruption and start acting this country is going to the dogs. While many people celebrate devolution, some of us are mourning because it has brought corruption to our doorsteps.

The spirit of devolution is good and well intended. Unfortunately, some counties like Laikipia are missing from the Equalisation Fund list as we debate in this House. Some communities in Laikipia were colonised by the white, green and blue colonialists. Corruption in these devolved units is threatening the mainstay of our people. More and more land is being grabbed from communities leaving them with nothing. When we talk about devolution, Equalisation Fund, the spirit of cohesion and integration in this country we cannot achieve anything unless equalisation is met.

Once upon a time when I was a student, I read a book called *Animal Farm* where all animals were equal but some were more equal than others. In this time and era we are still seeing those animals which are more equal than others. We are seeing some Kenyans who are more Kenyan than others. From the President's Speech, I wanted to hear what he has in store for the marginalised people of Dol Dol, the ethnic minority group of Dorobo where I come from, the Njemps and Endorois and I heard nothing. Just like a colleague said earlier in this House some of us are tired. I am not tired to living or being the Member for Parliament for Laikipia North but tired of being part of a big group and cheering as other Kenyans take resources to their communities. Unfortunately, we have come to this House to help them pass laws and get resources while our people are still languishing in worse poverty than the colonialists left them. For me, it is so painful today, as a MP if I cannot access my community or own home because all the bridges in Laikipia North Constituency have been washed away. There are no roads and electricity, yet, we are still talking about the handshake which to me is good for Kenyans but means nothing to the people, I represent.

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): Very well, Member for Laikipia North. Let us have Hon. Adagala Kahai, Member for Vihiga County. She is not in the House. We will move on to Member for Nairobi County, Hon. Passaris Rosana.

**Hon. (Ms.) Passaris:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute. The handshake for me was a breath of fresh air and an answered prayer. I was left to collect bodies, visit people and children who were maimed all over Nairobi County. For the 53 years I have lived, I have only seen three dead bodies but after the Post

Election Violence (PEV), I saw over 100 bodies of young Kenyans who had been shot. This did not affect one community and at that point I realised every community lost a loved one.

The President said no one else should die because of politics and that the Rt. Hon. Raila Odinga and he did not agree on a number of issues. However, they agreed on one thing: That Kenya belongs to all of us. It made me wonder at what point Kenya had stopped belonging to all of us. When did we get to that point and how are we going to ensure that Kenya belongs to all of us again? At the time they were deporting Miguna Miguna there was talk on the social media that I will be next because I do not look like I represent Kenya. In fact, at one point my husband who is a Jubilee supporter came home and told me that as I speak in my forums I should stop saying I am a Kikuyu. I told him but I am a Kikuyu and he refused. He said, yes my mother is a Kikuyu but one belongs to their father's community. So I am Greek and not Kikuyu. It was that personal. I could not even be allowed to identify myself as a Kikuyu yet my name is "Muthoni".

The President's handshake with the Rt. Hon. Raila Odinga has done something. It has begun a journey but it is not complete. A complete journey will mean we do not end up dividing this country further. We saw them, shaking hands, but there are other communities represented by their leaders like the Luhya or even the Kalenjin community which has a rift. Therefore, everyone must shake hands and fortunately in Kenya our leaders represent our communities. So, we should embrace the current leaders we have, sit down and all communities should shake hands through their leaders.

As long as it is just the President and Raila Odinga who shook hands other communities are not feeling it through their leaders and we have a problem. When we talk about the handshake, I think the leaders, Cabinet Secretaries (CSs) and Principal Secretaries (PSs)... I have gone into certain offices and I felt like I did not belong because I am in opposition. I heard comments like, "You do not belong and you are not part of Government". Now, I feel part of Government and for any Government office I walk into whether it is health, education or water I should be looked at as a leader. Somewhere along the line the Government and Executive took a partisan position. They campaigned for one party and that needs to change right now. They should embrace the handshake because it means every leader has an opportunity to be served so we can deliver to our people

Thank you very much.

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): Let us have Hon. Mariru. Maybe you can use the Dispatch Box if the microphone is not working.

**Hon. Mariru:** Thank you very much, Hon. Temporary Deputy Speaker for giving me an opportunity to also contribute to the great Speech and the State of the Nation Address by His Excellency the President, yesterday. Of course, the main agenda of that has been highlighted from yesterday and today also – and I think rightly so. It is about national healing and reconciliation. It was very humbling to see His Excellency the President personally, and in front of everyone and the nation, say sorry for whatever contribution he may have done to the irreconciliation in the country and the hurting that Kenya has been undergoing since the election. It was very humbling yet it was such a pace setter to the national healing and reconciliation agenda in our country. From experience, this country has to ask itself very fundamental questions around politics and economy. This is because we have had situations where a section of this country increasingly feels marginalised and not part of Government. We must ask ourselves what is important. Is it politics or economy? This is because there is also another section of Kenya that feels that what we should be focussing on is food and jobs for our people. There is also another section that feels that it is not just jobs and livelihood. That it is about a sense of inclusion,

involvement and being part and parcel of Government. This country has to ask itself the fundamental question of how we put the two, both the economy and politics, into tension. That journey of asking that question was started yesterday by His Excellency the President.

As you know, Hon. Temporary Deputy Speaker, both the President and the former Prime Minister have nominated a team of persons in our country to deal with this process. I think it is important we give that team full support so that then they help us as a country to have a national dialogue, national engagement and a national process and ask ourselves those very fundamental questions for our country.

The President also did mention about what Government has done in the last many years, especially around infrastructure. This country has transformed in every sense, especially around infrastructure and the railway. For the first time in 100 years, we have the Standard Gauge Railway. We have over 3,000 kilometres of road done and the President did indicate yesterday that there are 5,000 more to be done. There is the issue of power. I was reading somewhere that Kenya is now 8<sup>th</sup> in the world in terms of geothermal power, although we still have to engage about the tariffs and the cost of that power. So, there has been consistent investment in what I would call the bedrock of production. However, we must quickly translate that into what that means to families and young people who want jobs. I guess that is why His Excellency the President's focus now is around manufacturing. That way, the roads would mean jobs to our people; the railway line would mean livelihood to a person deep into Kenya; and the connection of power would mean security and jobs for our people. Production will go high. So, we must move from the bedrock investment to actually production so that our people produce and mean something.

Agriculture, which is one of the four pillars, is one of the areas that I think this country is going to find lots of livelihoods and jobs. We have our young people investing and farming so that they can create jobs. Others are around healthcare, security and the free trade across Africa that was signed in Rwanda a few weeks ago. All these aggregates put Kenya into perspective and into the map in Africa and in the world.

Hon. Temporary Deputy Speaker, I thank you for that opportunity.

**The Temporary Deputy Speaker** (Hon. (Ms.) Tuya): Hon. Waweru Kiarie. Honourable ranking Member, I will come to you.

**Hon. Waweru:** Thank you very much, Hon. Temporary Deputy Speaker. I have to say that I was honoured to have been a Member of this august House when His Excellency the President delivered this most inspiring Speech in this occasion of the State of the Nation Address. If the Speech of the President were to be captured in one phrase or theme, I think that theme would be that Kenya will emerge. I am very convinced, persuaded and inspired that Kenya will actually emerge. I did observe and note that His Excellency the President started by first paying a tribute to my childhood hero and also a champion of democracy in this country, Hon. K.S.N. Matiba. For that, I do applaud the President.

I thought that it was good that the President did note that there has been prolonged drought and prolonged electioneering process and the double tragedy of the drought and a prolonged election process did deal a severe blow to major sectors in this economy.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Tuya) left the Chair]*

*[The Temporary Deputy Speaker*

*(Hon. Mariru) took the Chair]*

However, His Excellency the President quickly noted that despite the electioneering process and the drought situation in Kenya, the economy of this country stayed resilient. For that, we have to applaud ourselves as Kenyans; that we were not derailed by this long electioneering process. Neither were we very hard hit by the calamities that were natural and as such we carried the normal Kenyan spirit of resilience. I have to say that my big takeaway out of what His Excellency the President spoke about in his State of the Nation Address was that we are now living in a new era.

Our very able and senior Member of Parliament, Hon. Angwenyi, will tell us that Kenya has gone through different epochs. We have had a post independent epoch, a post multiparty epoch, a post constitutional epoch and I stand here and declare that we are now living in the post handshake epoch. In this era, I applaud the President for coming up and inspiring us as a nation that we are actually going to emerge from the calamities that have befallen us in the past. I am more persuaded now that we as a country will emerge and we will be able to deliver on the Big Four Agenda. We shall emerge and deliver on health, food, housing and industry. I am more persuaded, after listening to His Excellency the President yesterday. He noted that the things that the normal Kenyan wants delivered are good health, jobs for the young people, food security and affordable housing. I am persuaded that Kenya will emerge and deliver on this one. I am persuaded that we shall emerge and shall be able to build a more robust infrastructure and framework for devolution in this country. I do believe, now more than ever, even after listening to His Excellency the President yesterday, that we shall emerge as a country and be able to face head on this dragon of corruption and fraud and possibly slay it in our generation.

I am more persuaded that right now we shall emerge as a country and be able to do a radical renewal of our infrastructure and our interconnectivity in this country and as such build our economy to be the economy we would want it to be, a continental leader. My few minutes are up. I will say that Kenya is ready to emerge as a greater, more cohesive and progressive nation and for that I do thank His Excellency the President for inspiring our nation that we shall emerge.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Mariru): Before I come to the ranking Member, I give the Floor to Hon. Kioni.

**Hon. Kioni:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak to this debate among other issues. At the outset, I wish to say, like my colleagues, that I am happy that I sat in here as the President gave his Speech. I applaud him for setting the pace for national healing and national reconciliation because that was the theme of the speech, in my opinion. Of course, that is alongside the fact that this country has continued to grow in spite of what we went through last year.

Let me just say one thing. The comment that I really picked from the President's Speech is that the economic growth did not slow down. It may have done so but not in any big way even as we went through our rather unpleasant economic activities of last year.

In my opinion, one of the reasons is because the 2010 Constitution put in place institutions that are capable of withstanding the political turmoil that we seem to want to go through every five years. Those are the institutions that we need to continue strengthening and making sure that they function even when politics are not functioning or our behaviour gets a little bit wayward like it did last year. It is for that reason that I want to speak to the activities or

workings of the Commission for Revenue Allocation. As the Chairman of the Constitutional Implementation Oversight Committee, we will call them to appear before our Committee. The way they are implementing the provisions of Article 204 is completely out of the spirit that was there in Naivasha. *Mheshimiwa* Millie Odhiambo spoke to it a bit. I was in Naivasha with her. What they are doing is completely outside what we thought or intended for that provision.

Hon. Temporary Deputy Speaker, I know you come from Laikipia. Your own county is not in that equalisation formula. How do you leave out Laikipia? How is it that we do not have any area of Ukambani within those 14 counties leave alone Ndaragwa which has been marginalised even before Independence? There is something totally wrong in the way they are looking at that. It is only fair that we call them as a Committee and any Member of the House who would want to come and sit in is invited. This was never intended to be that way.

There are pockets of people who have been marginalised in this country. The fact that we mentioned the word “marginalisation” under that Article allows others to define marginalisation in the traditional way. It is important that we go to the HANSARD of Naivasha to understand what we said. The reason why we never put counties under that Article was because we agreed that from time to time, marginalised areas must continue being redefined. Even as we agree with what was tabled today, we look forward to another definition in the next financial year. I would not sit here and allow that kind of definition to continue because in the process of doing this, you are actually marginalising others.

The *Mheshimiwa* from Dagoretti has just reminded me that this is the same approach that was used when we said that the girl-child needs to be affirmed in this country. We affirmed the girl-child and are happy about it. In the process, we have lost the boy-child. Now we have to go back and look for the boy-child because we implemented that policy in the wrong way. That is what the CRA is doing now with the Equalisation Fund. In the process of what they are doing, they will marginalise others more and we will not heal. The spirit that we saw with the President yesterday will be lost. You cannot hurt others as you try to heal others. I will say more when the time comes.

Let me talk a little bit about the handshake and we heard it yesterday. As we shake new hands, let us remember that there are other old hands that we shook before. We do not want to lose friends as we gain others. It is important that we build on friendships. Let us make sure that the formula that we used to bring other friends on board does not throw old friends away. You end up being the loser if you lose your old friends.

**The Temporary Deputy Speaker** (Hon. Mariru): Let us have Hon. Angwenyi.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this important Speech.

I have been in Parliament for some time now. I have listened to presidential speeches in this Parliament. Yesterday's Speech by His Excellency the President was one of the most positive statements ever made in this House. It was positive in the sense that the President sought to unite Kenyans so that my sister there cannot be told that she is not a Kikuyu. We are all Kenyans. I see you as a Kenyan. I do not see you as a Kisii, Kikuyu or Luo. When somebody is appointed to a job, we do not seek to find out his or her ethnicity. We know he is a Kenyan. Is that Kenyan qualified or not? That is the message I got from the President.

The other aspect which I got from the President was that he is prepared to fight two things or issues which have crippled this country's development – ethnicity and corruption. Ethnicity is such that if I am appointed to an important position whereby I should consider the entire country, I tend to only look at my county. People in appointed positions tend to look at

their county and ethnicity. People who are in appointed positions believe that they have been appointed to make money and not to serve the people. In some areas of this country, if you are appointed to a very senior position, especially where you disburse resources and you retire while not very rich, people will say you are a fool. You were in that position for so long but you never made money. That means our culture encourages corruption. Unless we kill corruption and ethnicity, this country cannot move to the next level. Those are two issues.

The other thing is that this Government has embarked on infrastructure development. No country can develop until and unless they develop their infrastructure to high standards. This is so that when going to Narok, you do not stay at Mai Mahiu for two days simply because there are no alternative routes of getting to Narok after the crack on the ground. When going to Nyeri you cannot be late simply because there is a traffic jam on Thika Highway.

Thirdly, the most important issue to Kenyans today is unemployment. Our youth are graduating from universities, colleges and schools and they do not expect to get any job. It is very discouraging and distressing. We must handle unemployment. We must create jobs. Every year, when we consider the Budget, it must state how many jobs will be created in the budget of that year. That is what happens in developed countries. To do that, we must look at our agriculture, industrialisation and value addition. If we do not do that, this country will not develop. Let us not reinvent the wheel. Take the example of Singapore, Malaysia, Hong Kong, China and Brazil. Those are countries which have moved from the Third World to the First World. We will also move to the First World where we will get good healthcare, jobs, stay in good houses and get food security.

With those few remarks, I beg to commend the President.

**The Temporary Deputy Speaker (Hon. Mariru):** Let us have Hon. Hassan Rehema.

**Hon. (Ms.) Rehema Hassan:** Asante Bwana Naibu Spika wa Muda kwa kunipatia fursa hii. Nasimama kumpa kongole Mheshimiwa Rais kwa Hotuba aliyotoa jana. Lakini pia nasikitika kuwa watu wa Tana River, wakati Mheshimiwa Rais alizungumza kuhusu masuala ya barabara katika maendeleo, walitarajia awatajifie kuwa barabara ya Tana River, ambayo ilianza kujengwa nikiwa darasa la tatu itajengwa. Miaka 50 tangu tupate Uhuru, hatuna barabara nzuri. Juzi nikitoka Bura nikienda Garissa upande wa Madogo, ilibidi niogelee katika mashimo saba kwa hiyo barabara iliyokatika. Inasikitisha sana. Mheshimiwa Rais ako na mipango mizuri kwa Wakenya lakini baadhi yetu, ujisadi umetufanya hatuhurumiani.

Nashukuru waliota Hoja ya Fedha za Kusawazisha kwa sababu huko kwetu, baadhi yetu tunaishi ni kama tuko nchi nyingine. Sisi si Wakenya kama wengine. Hatuna barabara mashinani. Hata barabara kuu hatuna. Hatuna hospitali. Ikiwa pesa za kusawazisha maendeleo zitapatikana, zitaokoa baadhi yetu kwa sababu hali yetu ni ya kusikitisha, hasa watu wa Tana River.

Namshukuru Mhe. Rais kwa mipango yake yote ambayo ako nayo. Nilikuwa natarajia atatupa pole. Natoa pole kwa watu wa Tana River kwa majanga yaliyowapata. Tumepoteza watu, wanyama, mashamba na hata ardhi zimeeda kwa sababu haya maji yaliyokuja safari hii ni mengi kushida maji ya *El Nino*. Hata sehemu zile ambazo maji ya *El Nino* hayakufika, safari hii maji yamefika. Kwa hivyo, watu wetu hawana mahali pakuishi saa hii. Nilitarajia pia tupangiwe angalau fedha za wale ambaao wamekumbwa na janga hili la maji ya mvua inayonyesha. Kule kwetu, maji yamefurika lakini hatuna mvua. Sisi, watu wa Tana River, mvua ikinyesha na kukiwa na ukame ni shida. Kwa hivyo, ningependa wale viongozi wa Serikali wapangie watu wa Tana River suluhu ya kudumu. Tusiwe watu wa kulia wakati wa ukame na wakati wa mvua.

Naomba wale wahusika wa idara ya maji watusaidie. Maji ambayo yametufanya tuumie saa hii Tana River yananyesha kutoka huko juu. Tafadhali tujengewe mabwawa huku katikati ndio maji yasitufikie. Sisi tumeumia. Naomba kama mmoja wa wanakamati wa Kamati ya Mazingira; tafadhalini, mkipanga, msituache nyuma. Tana River iko Kenya. Sisi tumepata Uhuru kama watu wengine. Isiwe miaka 50 tangu tupate Uhuru, sisi tunalia shida kila siku.

Namshukuru Mhe. Rais kwa sababu hachukii watu wa Tana River. Namuomba Mhe. Rais ahusishe watu wa Tana River katika suala la *handshake* maana inaonekana huu ni wakati wa kusameheana. Kuna watu waliopigana kabla ya kura za 2013 na baadhi yao wako jela. Wanateseka na ni watu ambao wako na watoto na wake. Tunaiomba tume ya uhusiano ili izungumze na watu ili wasameheane na hata hao vijana wasamehewe. Mhe. Rais, sauti yako ni kubwa na najua ukisema umewasemehe, watatoka jela na washughulikie watu wao.

Asante.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Mutunga.

**Hon. Members:** He is not in the House.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Adagala Kahai.

**Hon. Members:** She is not in the House.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Sunkuyia Risa.

**Hon. Sunkuyia:** Thank you, Hon. Temporary Deputy Speaker. I would like to take this opportunity to thank the President of the Republic of Kenya, Hon. Uhuru Kenyatta, for shaking hands with the Opposition leader and bringing this country together. Unity is paramount to this country. National healing and reconciliation are very important in this country. Everyone needs to feel that he is part and parcel of this nation. It will be prudent for all of us to enjoy the fruits of this country. It is good to make sure that we all unite in this country. We love the President. We will listen to him and bring our competitors closer to us, so that this country can move forward as one people in one nation.

I also want to recommend that it is important for other politicians who are our competitors as well as the Hon. Retired Prime Minister, Hon. Raila Odinga, to do what the President did yesterday. He said that he was sorry for anyone he hurt during the electioneering period. He also said that he was sorry, if he said anything that hurt anyone. It will be important for Hon. Raila to do the same, so that all of us can move as one team.

President Uhuru Kenyatta is a professor of politics and he is a good teacher. I remember that in 2002, he was the Kenya African National Union (KANU) presidential candidate. When he was defeated, he agreed that Hon. Mwai Kibaki won the elections. He joined hands as the official Opposition leader to work with the Government. He also did the same in 2007, so that this country could develop, especially in those areas that have been marginalised for a long time.

Secondly, competition is a healthy process. We should not fight over elections in this country. When you are defeated, concede. Let us compete but after or before elections, it is so prudent and important for us to remember that we are brothers and sisters.

Lastly, we passed the Equalisation Fund Appropriation Bill today. We are happy for that. However, it is good to remember that marginalised areas must also be considered in this Equalisation Fund. I beg for another one minute, so that I can finish. Fourteen counties will benefit from this Fund of Kshs12 billion. It is also important to remember other marginalised areas, for example Kajiado County, which is not part of the 14 counties. Other marginalised areas include Baringo County, Laikipia North and Ndeiya in Kiambu County. The situation which those people face is equal to what the people of Magadi face. People in Magadi depend on other towns in Tanzania from Lake Natron. People are not coming to that town to buy their food.

As we heal the country, let us remember other areas like those ones. What is the difference between Kajiado and Narok? Narok County and Samburu County are benefiting from the Equalisation Fund but Kajiado is not because Ngong, Kitengela and Rongai are there. If you go to Magadi Town in Shompole, there is no hospital or school or water. If children see a vehicle, they start running.

I stand to support the President's Speech, which he gave yesterday.

**The Temporary Deputy Speaker** (Hon. Mariru): Your time is up. Let me give an opportunity to a Member on my left, Hon. Oduol Adhiambo.

**Hon. (Prof.) Oduol:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to the Motion on the Speech that the President gave yesterday. As a Member of Parliament who has come to Parliament through nomination, I listened carefully yesterday and I was, indeed, happy that we had reached a point in Kenya where the President recognised that where we were as a country required some very specific actions and that he was ready to lead right from the front.

Hon. Temporary Deputy Speaker, I want to highlight three key issues that I noted as I listened to the Speech. One is the nature of our politics which has continued to be characterised much more by expression of hatred, name calling and all manner of violence that we have begun to see in the social media. Everybody is displaying not only violence but it seems to be driven by some deep rooted issues.

Second was the framework of devolution which in a way is a very fundamental core of good governance. Devolution is applauded in the Constitution as an opportunity to give citizens a voice and bring them to leadership and, indeed, ensure that their voice is heard.

Finally, was the call by the President in his Speech that we need to come together as leaders at all levels and that Kenyans are at a point where we all must engage in deeper reflection because Kenya has a long way to go.

At the outset, when we look at where Kenya is, we see that there are issues that continue to bedevil the Kenyan populace at all levels whether we are talking about the public service or not. We look at how it does its work. Sometimes, we even distinguish between the public service and the political space. I speak as someone who has served as a Permanent Secretary in the Ministry of Gender and Social Development during the Coalition Government and therefore had the privilege to see the enormous opportunity that exists if we can build and ensure that the sense of national ethos like integrity that we would want to have and that gives us inclusion is presented and captured in the Civil Service.

I reiterate that issues that continue to challenge us are on how our elections have become an expression of hatred and as we call for national reconciliation, what Hon. Jeremiah Kioni indicated that when we shake one hand, there seems to be a sense in which we might not be shaking another or that when we talk about Equalisation Fund in the august House, everybody says that their area is not included or their group is excluded. We just need to recognise that the issues that challenge us are: negative ethnicity, lack of inclusion, lack of national ethos and electoral injustice. I submit that we have very good examples. I just returned from Rwanda where I had the honour of representing the Kenyan Women Parliamentary Association (KEWOPA) in a conversation where we had a one on one discussions and reflected with leaders such as the former President of Liberia, Johnson Sirleaf, the former President of Ireland, Mary Robinson and President Kagame of Rwanda. The President and the Rt. Hon. former Prime Minister, the People's President have given us an opportunity to look deeply at ... I believe that

as we sit in the august House, it took me a while to understand how we were going to speak to issues here.

Given that my time is up, I urge that we take it as an opportunity and ensure we come to a point where we begin to address issues and get inclusiveness.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Moroto, Member for Kapenguria.

**Hon. Chumel:** Thank you very much, Hon. Temporary Deputy Speaker. I join my colleagues in congratulating His Excellency the President for the good and inspiring Speech that he gave yesterday. Some of us have been here and we have had several presidents. I heard from President Moi during his time, President Kibaki and now Hon. Uhuru for about the last five years.

There is nothing much we are good at. This is a talking nation. We like articulating much in writing and reading essays. If marks were to be awarded, Kenyans would be very good at that. But when it comes to implementation, we have a big problem. We can talk much. I remember when the President came here last, he brought a list of shame of corrupt people, but nothing has been done as we speak now. Maybe we can blame the Ethics and Anti-Corruption Commission (EACC) because, I think, they are more corrupt than the culprits or people they are supposed to deal with.

I come from West Pokot. It is an area which was a closed district during the colonial time. That is why it affected Turkana. The suffering of the Turkanas started from West Pokot because it was a gateway. For you to go to Turkana you have to pass through West Pokot. After the colonial time, nothing has happened with successive governments until when we realised devolution. You can now get water. With the little money given to county governments, they use it to do something. The little money MPs are given through NG-CDF they do something. I remember even the other year I drilled boreholes in some areas and constructed roads in others. You can even see that in the paper that is here today. Those things are now in West Pokot. But there is nothing going on in as far as Equalisation Fund is concerned. We say that money was allocated last year but nothing is taking place. I am a Member of the Budget and Appropriations Committee. When we had a meeting with the Cabinet Secretary (CS) up to midnight, he refused to give even the NG-CDF, but it was easy to allocate money to some corrupt areas. In fact, there is a plot in Thika which they kept talking about all the time. I asked who the man or the owner of the plot was and whose name cannot be mentioned. It is good that the other day I saw *The Star* Newspaper had described what was happening there.

There is also the issue of medical equipment that were given to hospitals especially the Level 5 ones where Kapenguria Hospital is included. Some of those machines are not in the hospitals but are written on paper. Kenya has to do something. When we praise this kind of greetings.... Personally, I said we should not praise murderers. If we continue praising murderers, how many people died the other day? How many people are still in hospitals and nobody cares about them? But when someone comes up and says that he has done something, he is praised while Kenyans are suffering. We should not care for one person. He can go. How many were there and have gone and Kenya is still there? Our time will come and we will also go, but what are we leaving behind that people will remember us for? We can still get great men. In fact, I praise those who started the Equalisation Fund. This guy had to think of how to elevate the marginalised areas to the other level. Now, other communities are coming in to claim that their areas were left out. I praise the President. In fact, some of us are seeing something good but we

are now worried that his term is coming to an end. If it were me, I would give him more time to go ahead other than other idiots who may come later.

Thank you.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Garane, Member for Lagdera.

**Hon. Garane:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the President's Address. From the outset, I commend the President for his boldness and honesty in regard to the current situation of the country. You will realise the President was bold enough to ask for forgiveness from the Kenyan people. He did so because in one way or the other during his campaign period, he knows that he wronged someone in one way or the other. That was statesmanship. That shows the desire and the goodwill he has for his country.

In his Speech, the President passionately talked about the Big Four Agenda. The President knows that his legacy is pegged on the Big Four Agenda in this country. When he talks about empowerment of the national administrative service, the President cares so much about the security of this nation. He knows that by empowering the national police and the national administrative service, this country will be at peace.

The President's Speech also touched on regional stability. He talked so much about the instability in Somalia. Kenya is a regional leader when it comes to peace keeping. Our men and women in uniform serve every part of this world. They have been deployed in Sierra Leone, Sudan and many parts of this continent. The President is so passionate about motivating our KDF by visiting them in Mogadishu. This shows that the President is so much concerned about regional stability.

My biggest disappointment was that the President did no talk about the measures the Government has taken or is taking to mitigate these ravaging floods. As we speak, Garufa Primary School in my constituency will remain closed because the whole village was displaced. The school compound was submerged in water. Students cannot go back. We are thinking of doing makeshift structures 20 kilometers away from where they have been displaced. It is, therefore, very unfortunate that the President did not touch on the measures the Government is putting in place to mitigate all these disasters. That was my biggest disappointment.

Let me also say something about the Equalisation Fund. What Members of this honourable House need to understand is that we need to consider the letter of the Constitution rather than the spirit of the Constitution. The framers of this Constitution came up with marginalised areas because there were areas that were historically marginalised. You cannot compare the sub-locations in Lagdera with other parts of this country. The poorest sub-location in Mt. Kenya or western is far much better than the richest in Lagdera. Therefore, it is very unfortunate to talk about locations. We need to talk about marginalised areas.

I beg for one more minute. I want to go back to the ravaging floods. Whenever it rains very heavily, the communities living downstream Tana River always face the greatest problem in these floods.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Member, point done. I am sure the point is well made.

To my left is Hon. Gogo.

**Hon. (Dr.) Gogo:** Thank you very much, Hon. Temporary Deputy Speaker, for this time.

I want to also join my group of colleagues to applaud the President on his excellent and moving Speech. For the first time in the history of this country, we have had a situation where

Members of Parliament leave Parliament smiling from a speech that has been made by the President of the Republic of Kenya.

I take this opportunity to thank the Rt. Hon. Raila Amollo Odinga and President Uhuru Kenyatta for showing leadership. You can never lead if you do not allow yourself to be led. Yesterday I heard, for the first time in the history of this country, a sitting President asking people for forgiveness. Often times, we think we look weak when we ask for forgiveness. Strength is found in meekness. I applaud the President for telling Kenyans to forgive him where he went wrong. Personally, I also want to take this golden opportunity to also, as a politician, ask for forgiveness for any of the factors or areas that we offended, as a coalition.

The President's Speech was very well articulated. For him to bring the Big Four Agenda to the House and talk to Members as a friend that he should be supported, it was a very noble idea. It is in this House we can come up with good policies and laws that are going to support the President's dream.

How I sympathise with naysayers. How I sympathise with people who cherish and flourish in doom. How I sympathise with people who want to sit in their couches and see Kenyan youth die because of politics. That is now behind us; we want development. With this handshake, that is now behind us I am only empathising with myself and a few of my colleagues because we missed out on the handshake.

As the President was leaving the House, he went shaking hands of people whose hands he has been shaking all along. He went ahead and only shook the hands of his friends and colleagues who strategically positioned themselves to greet the President. He ought to have greeted new hands. He ought to have shaken other hands that he has never shaken before. All the same, we are looking forward to a day when His Excellency Uhuru Kenyatta will come and step in Rangwe Constituency where he has never come to since he was born because of the handshake.

I am hoping, praying and waiting for the day they are going to come with the Rt. Hon. Raila Amollo Odinga, the people's President, to Rangwe Constituency so that this handshake can be devolved; this handshake can go to the ground. That is so that people of Rangwe who never participated in the general election of 26<sup>th</sup> November 2017 can shake the hand of the President, give him their blessings and tell him: "Sir, we love you. We are going to support your Big Four Agenda." As an MP for Rangwe Constituency, I must mainstream all my proposals to support the Big Four Agenda of the President.

It is important we go back to the basic human needs. We are talking about housing and food. As we talk about the Big Four that cover manufacturing, Rangwe has had a proposal to have a pineapple factory for a while. We have already put aside and fenced the land for this use. How I pray that the Rt. Hon. Raila Amollo Odinga and His Excellency Uhuru Kenyatta can come and launch this pineapple factory. I also wish they could devolve the handshake to make the mother of Akinyi and Adhiambo get water. If we could have women not deliver on the way, this would be good for Kenya.

Thank you, Hon. Temporary Deputy Speaker for the opportunity. I applaud the President for his excellent Speech.

**The Temporary Deputy Speaker** (Hon. Mariru): Very well. We shall now have Hon. Tobiko Pesi, Member for Kajiado East.

**Hon. (Ms.) Tobiko:** Thank you, Hon. Temporary Deputy Speaker. I am grateful for this opportunity. I rise to support the Speech by the President yesterday in this honourable House. The President outlined a number of successes of his Government and the constitutional progress

that we made in the 11<sup>th</sup> Parliament, in trying to implement the new Constitution. I support that a lot of progress has been made. This time round counties are a reality in this country because we have devolved resources beyond the stipulated 15 per cent that was in the Constitution to the grassroots. The President also talked about the Huduma services that have been taken to *mashinani*.

I do not want to go through the whole Speech because it may take my time before I make one or two comments. I will just say I support. However, I would have wished that the President talked to the nation about the current rains and how much it is going to cost this country in terms of infrastructure particularly roads. As we prepare to go on recess, I do not know what roads we are going to use to go to our constituencies because we have no more roads especially in constituencies that have not had tarmac. When Mombasa road closes, there is no exit. I have been talking about the Konza-Isinya Road in my constituency. That would provide a solution to the deadlock on Mombasa Road. I am yet to be heard. I expect this road to get into the budget.

In addition, we have a lot of issues in our constituencies. There are towns that have no water yet, there is water running now. Kitengela has no water and we expected to be told the measures that are going to be taken by the Executive in order to harvest water during this current rains, so that we do not only depend on Ndakaini Dam that Nairobi, Kajiado and other neighboring counties are depending on. If Ndakaini Dam is not collecting water, then Kenyans in Nairobi, Kajiado and Kitengela will have no water.

Hon. Temporary Deputy Speaker, I know that Hon. Matiba has played a role in this country and that is why he was recognised by His Excellency. But as a woman leader, I would have appreciated if His Excellency the President would even acknowledge our Member, Hon. Grace Kipchoim who passed on. She is woman who struggled from Baringo. A minute by the President would have done a lot to appreciate the work she has done particularly to address the issue of security in her constituency.

We hope that this handshake is not only about two big men. We hope that this handshake is going to bring peace and economic prosperity in our country. I hope it is not just a handshake of the bigger tribes. I hope it is also going to benefit the smaller tribes that have never been recognised in this country. There are parts of this country that are yet to be developed. There are parts of Kenya that are yet to fully get into Government and be felt because all these years they have been marginalised. There is no way we can talk about equalisation in only 14 counties and leave out Kajiado and yet Narok County does better economically than Kajiado. I have in mind places like Mashuru Sub-County, and if you look at my constituency...

**The Temporary Deputy Speaker** (Hon. Mariru): Very well, Hon. Tobiko. Hon. Mose John, Member for Kitutu Masaba.

**Hon. Mose:** Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also contribute to this very critical Motion.

First and foremost, I want to congratulate His Excellency the President of the Republic of Kenya and the Rt. Hon. Raila Amolo Odinga for their handshake. I am sure that, that is a good gesture for this country. I also want to congratulate the President for apologising as the sitting President and offering a reconciliatory tone to the people of Kenya.

We have come from a very gruelling electioneering period, a period that has seen our country become politically divided. With the reconciliation that has come because of the handshake, I am gratified that now even the House seems to be united. I know there is a lot of excitement about this handshake. It is my sincere hope that this handshake is not going to be a handshake that is merely meant for the purpose of people joining hands and, as it were, in

matters that will not help develop this country. I would agree with one of the speakers that we want to see this reconciliation moving forward to reconcile all the involved stakeholders. We do not expect to see a scenario where some people are being elevated while at the same time we have people who have participated in ensuring that this country remains together.

Therefore, as we welcome the reconciliation, our main focus should be on the serious and salient issues that are bedevilling this country. One, I had anticipated to see a serious address on the issue of the ravaging floods that we are experiencing as a country. I know for a fact that many of the schools have not opened because of the problem of the floods. I had expected that we would have a focus on that.

I also want to believe that this handshake will ensure that we have an enabling environment that will ensure that the Big Four Agenda of the President are achieved. Besides, I also want to see that all the parties involved are serious and committed to this handshake, because what I have seen in the last few days is that there is excitement, where some parties feel that they have been upgraded at the expense of others. If that is what appears to be coming on board, then we are very far away from ensuring that this country moves forward.

Therefore, as I applaud the two leaders, I urge all the other leaders who are involved to ensure that we focus on empowering Kenyans. For the youth of this country who are unemployed, chart the way forward for them and other development agenda that we require. At the end of the day, ensure that we are not having a handshake that will divide this country but one that will unite us.

With that, I commend the reconciliation.

Thank you.

**The Temporary Deputy Speaker** (Hon. Mariru): Well, before I get to my left, let us have Hon. Duale, Member for Dadaab.

**Hon. M.D. Duale:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to the Speech by His Excellency the President.

First of all, I start by commending our President for a wonderful Speech. It touched the hearts of all Kenyans who heard him. Among the issues he noted in his Speech was security. In respect of where I represent, the Dadaab Constituency in Garissa County, we neighbour the Republic of Somalia. In his Speech yesterday, he gave a full page on the matter of Somalia and I commend him for noting that. As the President said, Somalia is our neighbour and we are not at war.

However, I want to go on record that the border between Somalia and Kenya has been closed for over 10 years and yet we have regular flights from Nairobi to Mogadishu and other cities in Somalia. We have a Kenyan Mission in Mogadishu. We have Kenya Defence Forces in Somalia. We have many Kenyans in the hospitality industry and many professions such as health and education in Somalia.

What has surprised many of us from that region is the fact that the land bordering Kenya and Somalia has remained closed for over a decade and yet it is not one as such. We are losing revenue because the sugar and food commodities consumed in North Eastern or what was referred to as Northern Frontier; Garissa Wajir and Mandera, all come from Somalia. We are not collecting revenue from that importation of goods through the porous border of Somalia. We have also impoverished the people of northern Kenya bordering Somalia because they depend on trade. The fact that there is no cross-border trade has caused serious migration of the people of North Eastern to other parts of Kenya.

It is common knowledge that many people from Garissa, Wajir and Mandera are today in Nairobi, Mombasa, Namanga and other parts of this country. That migration is a result of the closure of the border for the last decade and will continue to the extent that, that place will be deserted. My appeal to His Excellency the President and the Departmental Committee on Administration and National Security is to reconsider the closure of the border.

I am sure even the security of this nation will improve once the border is open because one of the issues that perpetuate insecurity is poverty. The Government of Kenya will also collect revenue.

Concerning the issue of universal health coverage, we are targeting to cover 90 per cent of the population by the year 2022. However, in many parts of this country, the coverage which is being supported by some county governments is not going to help the universal health coverage. There is no reason why governors enroll those who are already sick to the National Hospital Insurance Fund. Those patients will deplete the NHIF resources. A true healthcare universal coverage is one that enrolls many people both healthy and sick so that the healthy can pay for the sick. Currently, governors have recruited about 6,000 people with hypertension and diabetes who, will end up exhausting the fund and this will not help. My appeal to the governors and other levels of Government is to ensure that many citizens are recruited so that the fund can have surplus. This is because the healthy ones will not need to get---

**The Temporary Deputy Speaker** (Hon. Mariru): To my left, let us have Hon. Moi, Member for Rongai.

**Hon. Moi:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to the President's Speech. He began his substantive Speech by acknowledging the importance of the Constitution which gave birth to devolution and resulted in county governments.

We know the Constitution is very critical and important and devolution is what many Kenyans desired. They received devolution because it decentralised services and brought development to many areas of this country. The President cited an increase in the monies from the national Government to the county governments from 2013 when it was about Kshs.210 billion to Kshs.327 billion in the Financial Year 2017/2018. These figures are impressive but then he also acknowledged that corruption is a lethal enemy in this country. I will quote, he said, "There are individuals who fraudulently and corruptly divert public resources to benefit themselves."

For the public to accept what the President said there must be political goodwill so that we can stamp out this very lethal enemy. Corruption will kill Kenya if we do not tackle it. On the economic front, we acknowledge what the President said and we commend him for his Big Four Agenda namely: Universal healthcare and in this he wanted to give everybody access to quality and affordable healthcare. It is only the other day when we debated a Report on Kenyatta National Hospital. We saw how terrible the healthcare system is in Kenya and KNH is in the brink of collapse. They do not have equipment and medical personal.

So, it was right for the President to comment on this. The universal healthcare has been expanded to incorporate more people under the National Hospital Insurance Fund scheme. We would like a situation where coverage is close to 100 per cent because even if we cover 7.2 million what happens to the other over 30 million Kenyans who cannot afford healthcare because it is extremely expensive in Kenya? I am sure the Hon. Members who are here know that every time we go back to the constituencies we have to attend *Harambees* to contribute for the sick. This issue has driven many families in Kenya to abject poverty. Quality care in Kenya is not

excellent, many lives are lost and this should not be the case. Therefore, we urge the Government that we need close to 100 per cent coverage. We need healthcare cover similar to what they have in the United Kingdom. Seven million is not enough.

On the issue of housing, the President talked about a vibrant economy that will create jobs so that people can buy their homes. In order for this economy to boom, manufacturing sector has to be improved. This is one part of the economy that has been neglected for too long. For far too long, the manufacturing sector has contributed close to about 7 per cent of GDP but we need it to grow to about 15 per cent. Manufacturing means export of goods, more hard currencies and more jobs to our fellow Kenyans.

I would also like to commend the President for his approach in politics by talking to the Rt. Hon. Raila Odinga. They have put aside their differences so that unity can be promoted in this country. That was wonderful. We congratulate the President and the Rt. Hon. Raila Odinga.

Thank you.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Members, I can see there are seven Members who have registered interest to speak to this but I am afraid the House must rise. It is a minute after 7 p.m. This Speech is debated for four days. We have only debated it for two days. So, when the House resumes after the recess, there will still be two more days to engage on this Speech from His Excellency the President.

I want to remind us the notification of recess. Pursuant to the provisions of Standing Order 28(3) relating to the Calendar of the Assembly, I notify you again that upon rise of the House today, at the appointed time, regular sittings will resume on Tuesday, 5<sup>th</sup> June 2018.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Members, the time being 7.02 p.m., this House stands adjourned until Tuesday, 5<sup>th</sup> June 2018 at 2.30 p.m.

The House rose at 7.02 p.m.